

EXHIBIT 1

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 16-cv-6953 (PKC)

5 - - - - -x

6 RONALD WOOLF,

7 Plaintiff,

8 -against-

9 BLOOMBERG L.P.,
10 ANDREW BOWYER, individually,
11 MELISSA STRADA, individually,
12 MATHEW ASMAN, individually,
13 MICHAEL MORRIS, individually, and
14 JIM NIZIOLEK, individually,
15 Defendants.

16 - - - - -x

17 September 25, 2017
18 9:35 a.m.

19 Videotaped Deposition of
20 RONALD WOOLF, taken by Defendant, pursuant
21 to Notice, held at the offices of
22 EPSTEIN BECKER & GREEN PC, 250 Park
23 Avenue, New York, New York, before
24 Sharon Lengel, a Registered Professional
25 Reporter, Certified Realtime Reporter, and
Notary Public of the State of New York.

* * *

1 WOOLF

2 actually, preview -- now we're going to
3 start talking about your Bloomberg
4 employment.

5 A. Okay.

6 Q. So when did you start working at
7 Bloomberg?

8 A. June 27, 2011.

9 MR. GARLAND: Let's mark as
10 Exhibit RW8 an offer letter dated
11 May 20, 2011, with the production
12 numbers defendant's production numbers
13 112 through 115.

14 (Exhibit RW8, An offer letter
15 dated May 20, 2011, Bates DEF000112,
16 was hereby marked for identification,
17 as of this date.)

18 Q. You have in front of you what's
19 been marked as RW8.

20 Is that a copy of the offer
21 letter that you received from Bloomberg in
22 May of 2011?

23 A. Yes.

24 Q. If you turn to the third page of
25 the exhibit. Is that your signature above

1 WOOLF

2 confidentiality agreement that you
3 received upon the commencement of your
4 employment with Bloomberg?

5 A. Yes, it is.

6 Q. If you look at the first page of
7 the exhibit, is all of that handwriting on
8 that page yours?

9 A. Yes.

10 Q. And if we turn to the third
11 page, the signature on the line which says
12 "by" and then in parentheses "employee's
13 signature" is your signature?

14 A. Yes, it is.

15 MR. GARLAND: Let's mark as
16 Exhibit RW11 a document entitled
17 "Bloomberg Employee Resource
18 Information Guide Acknowledgement"
19 with the defendant production No. 111.

20 (Exhibit RW11, Bloomberg
21 Employee Resource Information Guide
22 Acknowledgement, Bates DEF000111, was
23 hereby marked for identification, as
24 of this date.)

25 Q. You have in front of you what's

1 WOOLF

2 been marked as Exhibit RW11.

3 Is that a copy of a document
4 that you signed on May 24, 2011?

5 A. Yes, it is.

6 Q. All of the handwriting on that
7 page of that Exhibit RW11 is yours?

8 A. Yes.

9 MR. GARLAND: Let's next mark as
10 Exhibit RW12 the Bloomberg global
11 resource information guide with the
12 production numbers -- defendant
13 production numbers 815 through 835.

14 (Exhibit RW12, Global Core
15 Guide, Bates DEF000815, was hereby
16 marked for identification, as of this
17 date.)

18 Q. You have in front of you what's
19 been marked as Exhibit RW12.

20 Please take a look at it and
21 tell me if you recall whether or not
22 that's the global resource and information
23 guide on which you acknowledge receiving
24 upon the commencement of your employment.

25 A. (Witness perusing document.)

1 WOOLF

2 It appears to be the one. I
3 didn't sign this, but I recall signing
4 one.

5 Q. All right. But as you sit here
6 today, do you believe that's the guide
7 which you acknowledge receiving when you
8 signed the acknowledgement we've marked as
9 Exhibit RW11?

10 A. I can't say for sure, because I
11 know there was a change in the
12 antinepotism policy at Bloomberg after
13 Bloomberg received a letter from my
14 attorney.

15 Q. Let me ask it this way.
16 Are you denying under oath that
17 RW12 is the -- is a copy of the global
18 resource of information guide that you
19 acknowledged receiving in Exhibit RW11?

20 A. I'm not denying or confirming.
21 I just don't know if this is the exact
22 document.

23 Q. All right. Then let's mark as
24 Exhibit RW13 the employee resource
25 information guide United States supplement

1 WOOLF

2 you acknowledged receiving in Exhibit
3 RW11?

4 A. I'm not denying or confirming,
5 but I did not have -- I cannot say exactly
6 that this is the document that I signed.

7 Q. Let's look at another document
8 you did sign, though, which we'll mark as
9 Exhibit RW14, which is the Bloomberg
10 voluntary identification form. This has
11 defendant's Production Nos. 105 and 106.

12 (Exhibit RW14, Bloomberg
13 Voluntary Self Identification,
14 DEF000105, was hereby marked for
15 identification, as of this date.)

16 Q. You have in front of you what's
17 been marked as Exhibit RW14.

18 Is that a copy of a document
19 that you signed on May 24, 2001?

20 A. Yes, it is.

21 Q. And if we look at the very first
22 page of this Exhibit RW14, all of the
23 handwriting on that page is yours?

24 A. Yes, it is.

25 Q. And so there are three check

1 WOOLF

2 marks next to the word "no" on that page.

3 Did you make those three check
4 marks?

5 A. I did.

6 Q. And you made those three check
7 marks after reading the material
8 immediately above the checkmark?

9 A. Yes.

10 Q. And if we turn to the next page,
11 the second page of Exhibit RW14, we see on
12 that page additional handwriting.

13 Is all of it yours?

14 A. Yes, it is.

15 Q. And on the second page of
16 Exhibit RW14, there are four checkmarks
17 next to the word "no"; correct?

18 A. Yes, correct.

19 Q. Did you make those four
20 checkmarks next to the word "no"?

21 A. Yes, I did.

22 Q. And you made those four check
23 marks next to the word "no" after you read
24 the material immediately above each
25 checkmark?

1 WOOLF

2 A. Yes, I did.

3 Q. And then if you look at the
4 bottom of the page, that's your signature?

5 A. Yes, it is.

6 Q. And you placed your signature on
7 this document with regard to Exhibit RW14
8 on May 24, 2011?

9 A. Yes.

10 Q. Let's just mark a couple of
11 other basic documents now.

12 Actually, I'll come to those
13 later. Let me do something else at the
14 moment.

15 So when you started your
16 employment with Bloomberg in June 2011,
17 were you a sales representative?

18 A. Excuse me. I'm coming from a
19 cold.

20 Yes, or a content specialist to
21 negotiate BI contracts, mainly for the
22 Americas.

23 Q. So when you say BI contracts,
24 what do you mean by that?

25 A. Contracts to obtain commercially

1 WOOLF

2 available data for a price as well as
3 obtaining data from websites after getting
4 permission from the producer of that data.

5 Q. So you were responsible for
6 negotiating commercial data contracts?

7 A. That was one of my
8 responsibilities.

9 Q. And you would do that with
10 third-party data contributors?

11 A. Yes.

12 Q. And BI stood for at the
13 commencement of your employment Bloomberg
14 Industries?

15 A. That's correct.

16 Q. When you started -- well, when
17 you started, to whom did you report?

18 A. My immediate report was to Steve
19 Citrin.

20 Q. Mr. Citrin was your team leader?

21 A. That's correct.

22 Q. At some point in time, was
23 Mr. Citrin replaced as your team leader?

24 A. I was -- no. My group -- I
25 moved from the group to a team led by

1 WOOLF

2 Andrew Bowyer. I don't believe Steve
3 Citrin lost his job as team leader.

4 Q. But --

5 A. I could be wrong, but I don't
6 know. Exactly.

7 Q. In any event, at some point, you
8 began reporting to Mr. Bowyer as your team
9 leader.

10 A. That's -- that's correct.

11 Q. Do you recall when that change
12 took place?

13 A. Well, officially, I believe it
14 happened in November, but I recall
15 discussing it with Andrew Bowyer at a
16 Christmas party in late December and then
17 at my January 2013 year-end performance
18 review, Steve Citrin, Mike Morris, and
19 Andrew Bowyer were in the room stating
20 that I was going to be officially moved to
21 the pricing group because of -- there
22 would be better opportunities to advance
23 my career, and that was also an internal
24 change, apparently.

25 Q. But in or about November 2012,

1 WOOLF

2 you began reporting to Mr. Bowyer?

3 A. My recollection is that I was
4 still talking with Steve Citrin about most
5 what I was doing.

6 Q. Do you have a specific
7 recollection as to when you began
8 reporting to Mr. Bowyer?

9 A. In January.

10 Q. January 2013?

11 A. January 2013.

12 Q. At some point, did you begin
13 reporting to a different team later other
14 than Mr. Bowyer?

15 A. Yes. Andrew Bowyer was replaced
16 by Laura Brown from our London office, and
17 I reported to her I believe after my
18 return from heart surgery, which was in
19 early November of 2013.

20 Q. So to be clear, you began
21 reporting to Ms. Brown as opposed to
22 Mr. Bowyer in or about November 2013.

23 A. Yes.

24 Q. And you continued to report to
25 Ms. Brown until the termination of your

1 WOOLF

2 employment.

3 A. That is correct.

4 Q. And that termination occurred on
5 January 10, 2014.

6 A. Yes.

7 Q. In terms of their reporting
8 relationship, did Mr. Citrin and
9 Mr. Bowyer and Ms. Brown each report to
10 Michael Morris?

11 A. Yes. I believe, yes, that's an
12 accurate statement.

13 Q. Do you recall what Mr. Morris'
14 position was within Bloomberg during the
15 time that you worked there?

16 A. His official title was something
17 like global head of data acquisitions.

18 Q. In your -- well, in your role
19 during the time that you were employed by
20 Bloomberg, did you understand that you
21 were expected to build and expand your
22 business and professional relationships
23 both inside and outside the organization?

24 A. Yes.

25 Q. And at least one of the reasons

1 WOOLF

2 to do that was so that you could get deals
3 done on behalf of Bloomberg?

4 A. Well, it helped facilitate
5 deal -- deals being done, yes.

6 Q. In terms of your job
7 responsibilities during the time that you
8 were employed by Bloomberg, did they
9 essentially remain fairly constant
10 throughout?

11 A. I'm sorry. Can you repeat the
12 question?

13 Q. During the time that you were
14 employed by Bloomberg, did your job
15 responsibilities essentially stay the
16 same?

17 A. They -- as far as negotiating BI
18 contracts, they expanded into -- into
19 negotiating contracts that -- or where we
20 did not pay for the data as well as it
21 expanded to a project that was given in
22 December of 2011 to what we called a
23 C-Suite project with some of our prime
24 clients to try to create a new product.

25 And then additionally, in the

1 WOOLF

2 beginning of 2013, I was asked to train
3 Vlad Golden, who had just been hired the
4 month before, so I was also training
5 individuals not only in New York but also
6 occasionally the individual in London
7 regarding BI -- negotiating BI deals.

8 Q. Did your position -- it wasn't
9 referred to as a global data content
10 specialist?

11 A. I believe the exact title is
12 content acquisition specialist.

13 Q. And that was essentially your
14 title throughout your tenure?

15 A. Yes.

16 Q. I'd like to take a look at some
17 of your performance evaluations with you.
18 The first one we're going to mark as
19 Exhibit RW15. And it was produced by the
20 plaintiff with a reference of -- as
21 Exhibit 8 with the numbers 39 through 44.

22 (Exhibit RW15, 2011 Performance
23 Evaluation, Bates 000039, was hereby
24 marked for identification, as of this
25 date.)

1 WOOLF

2 Q. You have in front of you what's
3 been marked as Exhibit RW15.

4 Please look at it and tell me if
5 that is a copy of the performance
6 evaluation that you received for the
7 portion of 2011 that you worked at
8 Bloomberg.

9 A. (Witness perusing document.)

10 Yes, it is.

11 Q. Was this evaluation completed by
12 Mr. Citrin?

13 A. I do not know for sure. I
14 believe he and probably Mike Morris did
15 this.

16 Q. Did you speak with either one of
17 them about the contents of this
18 evaluation?

19 A. I believe I spoke to both of
20 them at my year-end review.

21 Q. Do you have any notes, records,
22 anything that would have documented what
23 was said during that review?

24 A. No. I did not document
25 anything.

1 WOOLF

2 Q. When did that year-end review
3 take place?

4 A. It would have been January 2012.

5 Q. Is it your recollection that
6 both Mr. Morris and Mr. Citrin attended?

7 A. It's my recollection.

8 Q. Do you have any recollection of
9 what was said during that meeting?

10 A. Essentially that I had gotten
11 off to a great start -- you can see from
12 the documents or from the document what
13 they thought I was doing well, what needed
14 to develop, and I was very happy in the
15 position that I was performing.

16 Q. So let's look a little bit
17 greater depth at the actual exhibit, RW15.

18 If you look at the page with the
19 top has the production number 42, it
20 appears to be a self-evaluation on that
21 page.

22 Is that a self-evaluation that
23 you prepared?

24 A. Yes, it is.

25 Q. And does your self-evaluation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

continue on the next page with the number
43 at the top of the page?

A. Yes.

Q. And then does your
self-evaluation continue onto the next
page with the number 44 at the top?

A. Yes.

Q. All right. Let's, then, next
look at your 2012 year-end performance
evaluation, which we're going to mark as
Exhibit RW16. It has the plaintiff's
production numbers Exhibit 8, No. 27
through 33.

(Exhibit RW16, 2012 Performance
Evaluation, Bates 000027, was hereby
marked for identification, as of this
date.)

Q. You have in front of you what's
been marked as Exhibit RW16.

Is that a copy of your 2012
performance evaluation?

A. Yes, it is.

Q. Do you know who prepared this
2012 performance evaluation?

1 WOOLF

2 A. I believe Steve Citrin and Mike
3 Morris.

4 Q. Did you have a meeting with
5 anyone to discuss the contents of your
6 2012 performance evaluation?

7 A. From what I recall, at this
8 meeting, which would have been in January
9 of 2013, Mike Morris, Andrew Bowyer, and
10 Steve Citrin were present.

11 Q. Did you take any notes, like,
12 any record at all in terms of what was
13 said during that performance review
14 meeting?

15 A. No. I don't believe so.

16 Q. I don't think I asked you this
17 earlier. So let me ask it now.

18 At any point in time during your
19 Bloomberg employment, did you tape record
20 any conversation that you had with any
21 other Bloomberg employ?

22 A. No.

23 Q. Since you've left Bloomberg,
24 have you tape recorded any conversation
25 that you had with anyone who was employed

1 WOOLF

2 A. I do not remember.

3 Q. Hearing it now, do you agree or
4 disagree with that statement?

5 A. I would say that the -- the
6 things that I did to document various
7 deals that I was working on was -- was
8 clear. If at various stages someone
9 thought it was unclear, I was not aware.

10 Q. Let me ask you this.

11 Looking back at your performance
12 in 2012, what, if anything, do you think
13 you could have done better?

14 A. 2012 was a very, very
15 interesting year, because in 2012,
16 Bloomberg Industries held back money in
17 the first six months of the year, and then
18 I got a phone call from Tim -- I cannot
19 recall the last name, but he worked in the
20 Princeton office. He was a very senior
21 executive. And he asked me about closing
22 deals as fast as possible and using at
23 least \$1 million and still negotiating
24 good deals for Bloomberg but to expend
25 this money before year end, because they

1 WOOLF

2 were afraid, if they did not spend the
3 money before the end of the year, that
4 the -- that the budgets for BI would be
5 reduced in 2013.

6 So therefore, in the final six
7 months of the year, my recollection is
8 that, one, I canceled my vacation, which
9 was scheduled for 10 or 14 days. I came
10 into the office when Mike Morris requested
11 a full staff to be there, even though it
12 was a off day for me. And I worked around
13 the clock or diligently to get these deals
14 done, which happened.

15 And if you note, in this
16 document, that my production numbers on
17 page -- on page 2, 00028, that my
18 production numbers in Q2, 2012, and Q3,
19 2012, exceeded the target of 100 for that
20 six-month period. And that extended
21 beyond that.

22 Q. My question to you was -- and
23 I'll remind you please answer my
24 question -- what, if anything, could you
25 have done better with regard to your

1 WOOLF

2 performance in 2012?

3 MR. MELAMED: Objection.

4 A. I could have better communicated
5 with my business manager at BI.

6 Q. Who was that?

7 A. Eric Hernandez.

8 Q. Okay. Why do you say that you
9 could have communicated better with him?

10 A. Well, there was a -- an obvious
11 permit conflict between him and I. And
12 there was a meeting that was called for by
13 Steve Citrin to work out where I left off
14 in performing my negotiations and where it
15 was passed off to him, because he wanted
16 to be involved in my negotiations, which,
17 everyone agreed, at least management
18 agreed you cannot have two people
19 negotiating contracts.

20 Eric Hernandez disagreed with
21 that. So therefore, there was a meeting
22 that established clear protocols as to how
23 those deals would be handed off. And
24 perhaps it could have been done sooner.
25 But at the end of the day, as far as I

1 WOOLF

2 line, where it says "regional
3 coordinator," you're -- it says "JB."

4 Do you know who that refers to?

5 A. I think it was John Brownie, if
6 I recall. I could be wrong.

7 Q. Now, at some point -- well, let
8 me back up. We've just been talking about
9 January 2013. That's when the email that
10 we've marked as Exhibit RW17 was sent.

11 In that same month, did you
12 attend a career development program at
13 Bloomberg?

14 A. No. I attended a career
15 networking event.

16 Q. And as you -- just describe that
17 networking event, please.

18 A. Well, I'll explain it the way it
19 was explained to me. This was a -- it was
20 an event that was sanctioned by the most
21 senior managers at Bloomberg, and in my
22 conversations with some of the people in
23 professional development, they recognized
24 that previous events, previous networking
25 events were obviously there were people

1 WOOLF

2 going to these events because they were
3 looking for maybe other work within
4 Bloomberg would get back to their manager
5 and those managers didn't appreciate the
6 fact that they may leave their department.
7 And under the policy, after someone has
8 put in 18 months of solid work and was in
9 good standing, they could leave a
10 department. And it was done without the
11 knowledge of the manager until at the very
12 end. So they feared discrimination --

13 Q. Hold on.

14 A. -- taking place.

15 Q. What was the networking event
16 that you attended? Describe the
17 networking event that you attended.

18 A. The networking event was a
19 sanctioned Bloomberg event by senior
20 Bloomberg executives, including the COO,
21 Beth Mazzeo, who I spoke with that evening
22 and asked about international
23 opportunities. And that was the event.

24 Q. So what did you say to
25 Ms. Mazzeo and what did she say to you?

1 WOOLF

2 that I should talk to.

3 Q. Do you remember who she
4 recommended?

5 A. There are about five or six
6 people that had experience working in
7 Asia. Not all were there that evening.
8 But one or two were, I recall. I think a
9 Michael Reese was one person. I think --

10 Q. Was that Matthew Reese?

11 A. Or Matthew Reese. And I believe
12 she recommended talk to Mathew. And we
13 had an extensive conversation.

14 Q. Who is "we"?

15 A. Me and Matthew Reese about
16 opportunities in Asia and his experience
17 with Bloomberg in Asia.

18 Q. All right. So let me just stop
19 you there.

20 What did you say to Mr. Reese
21 and what did he say to you at the
22 networking events?

23 A. I said to him that I was
24 interested in transferring to Asia, that I
25 had been working for BI, that this is what

1 WOOLF

2 I had accomplished, and I was ready to
3 take the next step for my career. And he
4 in general gave me a picture of working in
5 Asia, working for Bloomberg, what he did,
6 and then offered to help me get in touch
7 with the right people in Asia so that I
8 could pursue this opportunity.

9 Q. Did you speak with anyone else
10 at the networking event?

11 A. I spoke with many people. I
12 spoke with professional development. I
13 spoke with --

14 Q. Do you remember the name of
15 anyone else you spoke with at the event?

16 A. I believe Susie Walter was an
17 individual I spoke to.

18 Q. Anyone else?

19 A. From professional development,
20 I -- I believe it's in an email. But I
21 can't recall it off the top of my head.

22 Q. And why did you want to work in
23 Asia?

24 A. Well, I knew how to do business
25 in Asia.

1 WOOLF

2 Q. Based on what?

3 A. My six years of experience
4 working in Asia.

5 Q. But why then in January of 2013
6 did you want to go back to Asia?

7 A. So as I explained before, the BI
8 Americas group, that platform that I had
9 been working on for 19, 20 months, was
10 essentially built out. And I was being
11 told by BI analysts, "Hey, we have most of
12 our data, right, things are going to slow
13 down." So I had the opportunity to
14 transfer, because I was an employee in
15 good standing.

16 And I wanted to develop my
17 career at Bloomberg. And I thought that
18 my expertise and skill set suited doing
19 business in Asia. And, in fact, I had
20 conversations with Robin Conn in the --
21 in -- the following month.

22 Q. We'll get to the following
23 month --

24 A. Okay.

25 Q. -- at that time.

1 WOOLF

2 But January 2013, is there any
3 other reason why you wanted to pick up and
4 relocate to Asia?

5 A. No. At that time, it was just
6 career advancement.

7 Q. Do you remember the name of
8 anyone else you spoke with at the
9 networking event?

10 A. I can remember Matthew Reese.

11 Q. We talked about him.

12 A. Susie Walter.

13 Q. We talked about her.

14 Anyone else?

15 A. I cannot remember specifically
16 by name at this time. If I can see an
17 email, I might recognize a few names.

18 Q. Well, let's mark as Exhibit RW18
19 some email traffic.

20 A. Of course, I spoke with
21 colleagues as well.

22 Q. Let's mark --

23 A. But --

24 Q. Let's mark as RW18 some email
25 communications involving the plaintiff

1 WOOLF

2 for a position in Asia.

3 Q. Right. And so you're writing to
4 Matthew Reese --

5 A. Basically trying to tell him
6 what I think I can do. To help out the
7 Asia initiative.

8 Q. Right. Making your case as to
9 why you wanted to be relocated to Asia.

10 A. Yes.

11 Q. Then if we look at the first two
12 pages of Exhibit RW18, we have an email
13 starting midway down the first page of
14 RW18 that you sent to Matthew Reese on
15 January 31, 2013?

16 A. Correct, yes.

17 Q. And, again, that looks like that
18 email contains the letter that we just
19 looked at just condensed into an email; is
20 that right?

21 A. It looks like it. It may have
22 been sent later, because it looks like I
23 summed up briefly for him, and then I may
24 have extended that later, a couple of days
25 later perhaps. There's no date. So I do

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

him?

A. I don't believe so, because I have worked in Japan, Hong Kong, and Singapore. I believed that I could cover most of Pan-Asia.

Q. And at the time, Bloomberg had offices in Hong Kong?

A. We had offices from what I can remember Hong Kong, Singapore, Tokyo, Mumbai, maybe Taiwan -- I don't think --

Q. Shanghai?

A. I don't think Shanghai was on the list. Maybe.

Q. Beijing?

A. Oh, wait a minute. No. That was Roubini. I don't believe Beijing was on the -- was an office yet.

Q. Shanghai?

A. I don't believe so.

Q. Seoul?

A. Yes. Seoul was one.

Q. And if you go back and continue looking at the second page of Exhibit RW18, you wrote in January of 2013 as

1 WOOLF

2 (Exhibit RW19, A series of
3 emails, Bates WOOLF000042, was hereby
4 marked for identification, as of this
5 date.)

6 Q. You have in front of you what's
7 been marked as Exhibit RW19.

8 Please take a look at it and
9 tell me if that exhibit contains a series
10 of email exchanges involving your desire
11 or interest to, as of February 2013,
12 relocate to Bloomberg's offices or an
13 office in Asia.

14 A. Yes. It looks like a
15 combination of emails sent over a period
16 of time.

17 Q. In February of 2013?

18 A. I think January to February.

19 Q. 2013?

20 A. 2013. Yes.

21 Q. So let's just look at some of
22 those emails. Let's go to the third page,
23 the one that has the Woolf production
24 number 44. Halfway down that page.
25 That's an email that you sent to Tim

1 WOOLF

2 Craighead?

3 A. Yes.

4 Q. And that was the
5 same Mr. Craighead we just spoke about?

6 A. Yes.

7 Q. You write in that email to him
8 that you were at an internal networking
9 event last week.

10 That's the internal networking
11 event we spoke about a short time ago?

12 A. Mm-hmm.

13 Q. Yes?

14 A. Yes, it is.

15 Q. That's where you met Mr. Reese
16 and also here you write that you met
17 Nicole Comello, C-O-M-E-L-L-O.

18 Did you speak with her?

19 A. I believe -- I believe Beth
20 Mazzeo, our COO, told me to reach out to
21 her as well, and she was basically the
22 assistant to Beth Mazzeo, and she was
23 offering, you know, her advice in going
24 about doing this.

25 Q. All right. Then if we look at

1 WOOLF

2 anything, you know, that she could do to
3 help me would be, you know, appreciated.
4 And that was basically the conversation.

5 Q. Right. Well --

6 A. In the email that describes the
7 email.

8 Q. But in February or March of
9 2013, did you take any active steps to
10 actually apply for any of the positions
11 for which the requisitions were identified
12 in her email to you?

13 A. I don't know if I took the
14 official steps to formally apply. I don't
15 recall.

16 Q. Did you -- did you --

17 A. I -- I may have spoken to the
18 individuals.

19 Q. Well, I only want you to testify
20 about that which you recall. So if you
21 may have done something --

22 A. Okay.

23 Q. -- it's speculation. But we
24 just want to know what you recall.

25 A. I don't recall if I formally

1 WOOLF

2 applied or not.

3 Q. So at around that time, though,
4 did you speak with someone at Bloomberg by
5 the name of Melissa Strada, S-T-R-A-D-A?

6 A. Yes, I did.

7 Q. And how did that come about?

8 A. In February, things started to
9 change. And suddenly, I was getting
10 awkward emails, emails at home, which
11 never happened, in my first 20, 21 months
12 at Bloomberg, emails that made absolutely
13 no sense, given that it was someone who
14 was senior to me where I was being in an
15 offhanded way criticized.

16 And then there was also my
17 request for a CFA reimbursement on
18 March 1st, which should have taken, under
19 normal circumstances, two to five days.
20 Nothing was happening, and I was starting
21 to get -- one thing that was very telling
22 to me is that, normally, at Bloomberg, you
23 have a meeting with your TL every week to
24 go over what you're doing, what you need
25 to work on, what you're doing well, you

1 WOOLF

2 A. I think I told her I want to
3 leave the group, period.

4 Q. Do you remember whether or not
5 you told her about your interest in Asia?

6 A. I probably would have told her
7 my interest in Asia, of course.

8 Q. Do you remember whether or not
9 she referred you back to Robin Conn
10 because of Ms. Conn's greater working
11 knowledge about opportunities in Asia?

12 A. I don't recall -- I'm sorry.
13 I'm having a migraine. It affects my
14 speech. I don't recall exactly. But it's
15 something that is reasonable --

16 Q. Let me just stop you.

17 A. -- for her to say that.

18 Q. You just said you were having a
19 migraine.

20 A. Yes.

21 Q. Let's be clear about this.

22 Are you able, as you sit here
23 now, to give truthful testimony in a
24 deposition setting?

25 A. Yes, I am.

1 WOOLF

2 about March 19, 2013, at 12:30 p.m.?

3 A. I put it under her keyboard.

4 She was out to lunch, I believe, at

5 12:30 p.m.

6 Q. On March 19th --

7 A. On March 19th.

8 Q. Again, remember, please let me
9 finish my question before you begin your
10 answer.

11 A. Apologies.

12 Q. So you left it in her office on
13 March 19, 2013, at around 12:30 p.m.

14 A. That is correct.

15 Q. When did you write it?

16 A. Probably an hour before.

17 Q. Where were you when you wrote
18 it?

19 A. At my desk.

20 Q. At Bloomberg?

21 A. Yes.

22 Q. 731 Lexington?

23 A. Yes.

24 Q. So if we look at the handwritten
25 note, the second paragraph -- well, let's

1 WOOLF

2 start with the first paragraph. You wrote
3 as follows: "I have just about of enough
4 of what is obviously an intentional and
5 concerted effort to discredit my work."

6 Is what follows in this
7 handwritten note your summary of the
8 intentional and concerted effort to
9 discredit your work?

10 A. Could I read it?

11 Q. Please.

12 A. (Witness perusing document.)

13 Right. So I wrote this, and I
14 urgently wanted to speak to her following
15 up the conversation I had with her --

16 Q. Let me repeat the question for
17 you.

18 A. Okay.

19 Q. Is what follows the first
20 paragraph in RW20 a summary or a statement
21 of what you were referring to in the first
22 paragraph when you wrote about an
23 intentional and concerted to discredit
24 your work?

25 A. Yes, it is.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

Q. Who was present?

A. Me and Melissa Strada.

Q. Anyone else?

A. Not to my knowledge, no. I
don't remember anyone else.

Q. Did you take any notes of what
was said?

A. No.

Q. What did she say to you and what
did you say to her?

A. Well, it was a followup to the
conversation on the previous Friday that
where I was complaining specifically about
what I considered a hostile work
environment, legitimate or delegitimate
characterizations of my work product, very
odd emails where I was criticized for
something very, very minor like reaching
out or making a phone call, instead of at
2:00, at 3:00, something of that nature.
And the stress was mounting. And what --
what was the tipping point was that,
first, Andrew Bowyer didn't understand my
job. So I had to educate him about how I

1 WOOLF

2 perform my job.

3 Q. Bowyer was your supervisor at
4 the time.

5 A. He was my supervisor. But he
6 did not understand my job. So he came
7 over to my desk after IB'ing me for about
8 an hour, which you could imagine, you're
9 sitting at your desk trying to do work,
10 and you've got these chat sessions popping
11 up every two minutes -- "What about this?
12 What about this? What about this?"
13 Right?

14 So finally, I said wouldn't it
15 be easier to go into a conference room and
16 just have a conversation. And then he
17 came over, and he pulled up a chair, and
18 he put both of his feet on top of my desk,
19 leaned back, and said basically he
20 disagreed with what I was doing on this
21 one deal. And I can't remember
22 specifically what deal it was. But it was
23 completely disrespectful, very rude. And
24 Susan Lasovick was sitting literally two
25 feet from me. And I didn't say it. She

1 WOOLF

2 said it to me. And at that point, what
3 this letter states sums up how I felt.

4 Q. So when you were referring to
5 hostile work environment, and those were
6 your words, you were referring to this
7 first full paragraph where you say he was
8 very unprofessional and put his feet up on
9 your desk and questioned what you were
10 doing?

11 A. Yeah, in a very unprofessional
12 manner.

13 Q. And when you say "in a very
14 unprofessional manner," what do you mean
15 by that?

16 A. Talking down to me.

17 Q. Did you ever ask him, "Why are
18 you talking down to me?"

19 A. It was a confrontational
20 conversation.

21 Q. Did you ask him during that
22 conversation, "Why are you talking down to
23 me?"

24 A. I don't know if I used those
25 exact words. But I tried to explain the

1 WOOLF

2 strategy and why it was conducive to go
3 down that path, and he disagreed.

4 Q. Did you ever find out from him
5 or from anyone else why, in your words, he
6 was talking down to you that day?

7 A. Well, like I said, there was a
8 pattern starting to establish, starting to
9 be established around early March, maybe
10 late February to early March. Things
11 changed; right? I was no longer having
12 meetings with my TL.

13 Q. Okay. And so you're referring
14 to February and March of 2013.

15 A. Yeah. Late February to early
16 March -- well, continued then --

17 Q. Did you ever --

18 A. -- obviously.

19 Q. -- ask Mr. Bowyer, "Why aren't
20 we having meetings now" in its ongoing --
21 let's stay in this same period February or
22 March of 2013?

23 A. Not at that time, no.

24 Q. Okay. Did you ask anyone else,
25 "Hey, why isn't Mr. Bowyer meeting with me

1 WOOLF

2 Q. And it has the defendant's
3 Production No. 411.

4 You have in front of you what's
5 been marked as Exhibit RW21.

6 Does that contain an exchange of
7 emails between you and Aline Tedesco on
8 March 13th and 14, 2013?

9 A. Yes, it does.

10 Q. Who is Aline Tedesco?

11 A. She was the HR representative
12 for our group, data acquisitions.

13 Q. The group in which you worked.

14 A. Yes.

15 Q. Now, you mentioned that you
16 received a verbal warning that was
17 written.

18 How did you receive that?

19 A. I was called into a conference
20 room, which I believe just to be a regular
21 meeting with Mike Morris and Andrew Bowyer
22 and Aline Tedesco was sitting there as
23 well, and I was being read the Riot Act.

24 Q. Well, when you say you were read
25 the Riot Act --

1 WOOLF

2 A. Essentially --

3 Q. Let me finish the question.

4 And I'll reset the playing

5 field.

6 So you said were you in a
7 conference room with Ms. Tedesco,
8 Mr. Bowyer, and Mr. Morris; is that right?

9 A. That's correct.

10 Q. Did you take any notes during
11 that meeting?

12 A. No.

13 Q. How did the meeting begin?

14 A. Of course, I was asked to sit
15 down, and I think Aline Tedesco spoke --

16 Q. What did she say?

17 A. -- first. She said, "We're here
18 to give you a verbal warning," and I think
19 I asked what does that mean exactly.

20 Q. Who answered?

21 A. I think she did, because it's an
22 HR thing.

23 Q. What did she say?

24 A. It's a performance warning, that
25 you're not meeting expectations, so you

1 WOOLF

2 (Exhibit RW22, An email dated
3 March 20, 2013, Bates DEF000248, was
4 hereby marked for identification, as
5 of this date.)

6 Q. You have in front of you what's
7 been marked as Exhibit RW22.

8 Is that a copy of the warning
9 that you received in connection with the
10 meeting you just described?

11 A. Yes. This is -- this written
12 document is the verbal warning, just to be
13 clear.

14 Q. And you received that on
15 March 20, 2013.

16 A. Yes.

17 Q. Did you respond in writing to
18 him?

19 A. I did.

20 Q. When did do you that?

21 A. I did it as soon as possible. I
22 think I took -- I know -- I remember the
23 next day, I was going to Massachusetts for
24 a meeting with IDC. Then, upon my return,
25 I basically worked on a rebuttal sentence

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

by sentence responding to this email.

Q. All right.

MR. GARLAND: So let's mark,
then, as Exhibit RW23 a
March 25, 2013, memo from Mr. Woolf to
Mr. Bowyer with the plaintiff's
production numbers Exhibit 4, 0001
through 19.

(Exhibit RW23, A memo dated
March 25, 2013, Bates 0000001, was
hereby marked for identification, as
of this date.)

Q. You have in front of you what's
been marked as Exhibit RW23.

Is that your written response to
the warning that we had marked as --
performance warning that we had marked as
Exhibit RW22?

A. Yes. That's the one or my
rebuttal. Sorry.

Q. Now, there's some handwriting on
this first page. The lower right-hand
corner, there's the letter "E" followed by
the number 1.

1 WOOLF

2 July 15, 2013, alleging discrimination.

3 And that was one of my 13 exhibits.

4 Q. So when you referred to a
5 federal investigator, you're referring to
6 the EEOC investigator.

7 A. Yes.

8 Q. Now, did you end up speaking
9 with Jim Niziolek --

10 A. Niziolek.

11 Q. -- regarding the warning and
12 your rebuttal?

13 A. Yes. Jim and I had a number of
14 conversations.

15 Q. Did you meet with him
16 specifically, though, about the warning
17 and the rebuttal on or about March 26th,
18 the day after you provided the rebuttal?

19 A. I believe that is the correct
20 date.

21 Q. And when you spoke to him, did
22 you say that both Mr. Bowyer and
23 Mr. Morris had started to treat you
24 differently after you had attended that
25 Bloomberg networking event in January?

1 WOOLF

2 A. I probably alluded to the fact
3 that something was amiss, and I could only
4 tie it at that time to maybe them
5 retaliating against me because I was
6 looking to move departments.

7 Q. Did you also -- when you spoke
8 with him on March 26th -- say that you
9 wanted to transfer somewhere else within
10 Bloomberg?

11 A. I probably did.

12 Q. Did he explain to you during
13 that meeting that, in order for an
14 employee at Bloomberg to transfer
15 internally he or she must be in good
16 standing?

17 A. I'm probably pretty sure he did.

18 Q. Did he also explain to you that
19 he had to determine what impact the verbal
20 warning that you had just received would
21 have on your ability to transfer?

22 A. Yes, he did.

23 Q. At some point, did you have
24 communication with Melissa Strada about
25 your standing and your ability to

1 WOOLF

2 transfer, given it --

3 A. Yes.

4 Q. Was that email, in person, on
5 the phone?

6 A. This --

7 Q. With Ms. Strada.

8 A. -- with Ms. Strada was in an
9 email where she stated to me, because
10 there was confusion between the attorneys,
11 one that I had hired just two days prior,
12 or -- let's see -- March 26 -- no. It was
13 two days before I hired my employment
14 attorney -- where she was clarifying what
15 the Bloomberg attorney was stating and
16 that this warning actually did not prevent
17 me from moving. But then she corrected
18 the record and sent me an email and said
19 it does prevent you from moving and
20 recommended that I try to move departments
21 as soon as possible.

22 Q. Well, let's break that down
23 chronologically. It might be helpful to
24 look at some of the email communications.
25 So let's mark as Exhibit RW24 an exchange

1 WOOLF
2 of emails between Ms. Strada and Mr. Woolf
3 on March 27, 2013, with the plaintiff's
4 production number, Exhibit 5, and then the
5 number 71.

6 (Exhibit RW24, A series of
7 emails dated March 27, 2013, Bates
8 000071, was hereby marked for
9 identification, as of this date.)

10 Q. You have in front of you what's
11 been marked as Exhibit RW24.

12 Is that an exchange of emails
13 that you had with Ms. Strada on
14 March 27, 2013?

15 A. Yes, it is.

16 Q. And the first email in time, so
17 chronically, the first email was one that
18 she sent to you that appears about 1/3 of
19 the way down the page?

20 A. Yes. I don't recall if there
21 was a prior email regarding post -- the
22 post-19th letter. But this was an
23 email -- this was I think the last email
24 that was exchanged between us.

25 Q. Well, in her email to you,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

the employment attorney that was hired that day, I believe. But it's not clear to me. There could have been a conversation the day before that she was going to look into it. But the bottom line was that I had no chance of pursuing my career at Bloomberg at that point in time.

Q. Well, is it the bottom line that simply at that point in time, you were not eligible to transfer?

A. Right.

Q. Not eligible to transfer. So it also might be helpful, because I'm going to mark another exhibit, because maybe there were other conversations you were having around the same time with different people about the same subject.

MR. GARLAND: So let's mark as Exhibit RW25 an exchange of emails involving the plaintiff, Ms. Tedesco, and others with the defendant's production numbers 413 through 420.

1 WOOLF

2 A. Yes, almost immediately.

3 Q. When you say "almost
4 immediately," I think you recall the date
5 for that. What was it?

6 A. Within the week of getting -- or
7 maybe -- it was eight or nine days. I
8 don't -- I don't remember when I signed
9 the retainer agreement. But it was
10 certainly before April 1st, because he
11 wrote a letter that I provided a lot of
12 information where I provided a lot of
13 information to him so that he could write
14 the letter, and that letter was dated
15 April 2nd. But it was done April 1st.

16 Q. And the triggering event for
17 your going out and retaining the lawyer
18 was your receipt of the verbal warning?

19 A. Yes.

20 Q. The lawyer's name was Leonard
21 Pack?

22 A. Correct.

23 MR. GARLAND: Let's mark as
24 Exhibit RW26 a letter from Mr. Pack
25 dated April 2, 2013, with the Woolf

1 WOOLF

2 production numbers 71 through 75.

3 (Exhibit RW26, A letter dated
4 April 2, 2013, Bates WOOLF000071, was
5 hereby marked for identification, as
6 of this date.)

7 Q. You have in front of you what's
8 been marked as Exhibit RW26.

9 Is that a copy of the letter
10 that your attorney wrote on your behalf to
11 Beth Mazzeo and others on April 2, 2013?

12 A. Yes, it is.

13 Q. Did you review the letter
14 drafted by Mr. Pack?

15 A. Absolutely.

16 Q. Let me finish.

17 Did you review it before he sent
18 it?

19 A. Yes.

20 Q. So you reviewed it to ensure
21 that it accurately reflected your beliefs
22 as of the date that it was sent?

23 A. Yes.

24 Q. Now, did anyone at Bloomberg
25 speak with you about the letter that we've

1 WOOLF

2 four emails. But my recollection is that
3 it was after March 30th -- I'm sorry. It
4 was after May 29th when my neurologist
5 wrote a letter and also provided copies to
6 Jim Niziolek, Beth Mazzeo --

7 Q. Let's not jump ahead yet. We're
8 still at the beginning of April.

9 A. Okay.

10 Q. I should have made that clear.
11 So your letter -- your lawyer's
12 letter is April 2, 2013.

13 A. Yes.

14 Q. Did you learn within the month
15 of April what, if anything, Mr. Asman did
16 in response to your letter, your lawyer's
17 letter?

18 A. I do not recall Matt Asman doing
19 anything on my behalf or addressing any
20 concerns, and that's my recollection. I
21 never met Matt Asman. I don't know what
22 he looks like.

23 Q. Did Mr. Niziolek ever meet with
24 you in April to inform you that you would
25 not be permitted to apply for other

1 WOOLF

2 positions within Bloomberg until your
3 performance improved?

4 A. Yes. I'm pretty certain that
5 happened.

6 Q. Did that happen on or about
7 April 30, 2013?

8 A. I'm sure it happened, but I
9 can't recall the date. But it was
10 probably -- it's a reasonable date.

11 Q. Let's mark as Exhibit RW27 an
12 email from Mr. Niziolek to Mr. Woolf on
13 May 14, 2013, with a Bloomberg production
14 numbers 294 and 295.

15 (Exhibit RW27, An email dated
16 May 14, 2013, Bates DEF000294, was
17 hereby marked for identification, as
18 of this date.)

19 Q. You have in front of you a
20 document we've marked as Exhibit RW27.

21 A. Yes.

22 Q. I want to direct your attention
23 to the email from Mr. Niziolek on
24 May 14, 2013, to you, which is about a
25 third of the way down on the first page of

1 WOOLF

2 this exhibit.

3 Do you see that?

4 A. Yes, I do.

5 Q. Is that an email that you
6 received from him on that date?

7 A. Yes. That is -- that is an
8 accurate email from Jim Niziolek.

9 Q. And that email responded to
10 yours of the same date, which appears
11 immediately below it?

12 A. Yes. It was two hours after.

13 Q. And if you turn the page, you'll
14 see an entry for April 30, 2013, which
15 refers to an apparent meeting between you
16 and Mr. Niziolek.

17 Did you meet with him at
18 Princeton on or about April 30th?

19 A. Yes, we did have a meeting in
20 Princeton.

21 Q. And was that on or about
22 April 30th?

23 A. Yes, probably around that date.

24 Q. And according to this entry, he
25 informed you that he looked into your

1 WOOLF

2 concerns and found nothing to support
3 rescinding the performance warning. Did
4 he tell that you during that meeting?

5 A. He stated that to me. If it
6 occurred at that meeting, I'm not
7 positive. But he stated such to me.

8 Q. Did he also indicate to you at
9 or about the time of that meeting that you
10 would need to achieve at least a "meets
11 expectation" rate to go apply for
12 positions internally?

13 A. Yes.

14 Q. Did he ask you during that
15 meeting to be open to feedback from your
16 managers?

17 A. I'm sorry. Can you repeat that?

18 Q. Did he ask you to be open to
19 feedback from your managers?

20 A. Yes. He used the word
21 "feedback." But I disagreed entirely with
22 that word.

23 Q. Did he say that he would work
24 with your managers to help in any way that
25 he could to --

1 WOOLF

2 proposing to allow us to buy. And that's
3 why I wrote that note.

4 Q. Let's actually back up for a
5 moment.

6 So prior to your receipt of this
7 email, had you had a meeting or a call
8 with Mr. Bowyer regarding the subjects
9 covered in the email?

10 A. No, not with Mr. Bowyer. I, at
11 the time -- this is dated April 25th. So
12 this may have been the first meeting or
13 the second meeting post the verbal
14 warning. And I was now updating deals
15 that I was working on and making notes to
16 an email.

17 Q. So you had meetings with
18 Mr. Bowyer following the issuance of the
19 verbal warning.

20 A. Yes, as we had agreed to at that
21 meeting on March 20th that we would have
22 weekly meetings, because I wanted to be
23 removed from the not in good standing
24 list.

25 Q. So, in fact, did you have weekly

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

he, and Mr. Morris covered?

A. I can't -- I don't remember if Michael Morris was in that meeting. I would assume he was, given what happened on March 20th and the fact that Bloomberg probably wanted the witness in the room. But this is something that I insisted on, something in writing, which Bloomberg up to that point never responded to my concerns in writing.

Q. So there you have it. There's the writing and you responded on April 25th to Mr. Bowyer as follows: "Thanks for the detailed explanations of my job expectations. This is immensely helpful to me in meeting the desired expectations of my role, which I fully intend to do."

A. Right.

Q. Now, there's some more handwriting in what I would call a grid in the upper right-hand corner of this first page of RW28.

A. Right.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

A. -- followup.

Q. Please let me finish.

A. I'm sorry.

Q. At the very top of the first page of RW28 where your email appears, there's a subject line for the email which refers to "Meetings this week followup." Right?

A. Yes.

Q. And, in fact, you had more than one meeting with Mr. Bowyer and Mr. Morris that week; correct?

A. No. That refers to my meetings with clients.

Q. Do you recall whether or not you met with Mr. Morris and Mr. Bowyer on April 23rd and April 25, 2013?

A. Yes. I believe that actually is true, because I had insisted that Bloomberg put on the record, on paper, their response to my rebuttal. And in the discovery documents, Jim Niziolek said you need to meet with Mr. Woolf and clarify his concerns.

1 WOOLF

2 Q. So --

3 A. So we met on April 23rd, and we
4 covered three of the 16 topics I had on my
5 agenda. So we met again on the 25th,
6 which, anyone, was -- something was put in
7 writing perhaps for the first time after
8 my verbal warning. And I was, of course,
9 grateful, because I hoped to get off the
10 "not in good standing" list so I could
11 leave the department.

12 Q. So my question is as follows:
13 It's true, then, that you met with
14 Mr. Morris and Mr. Bowyer on April 23rd
15 and April 25th to go over the issues you
16 had raised in your rebuttal to the verbal
17 warning; correct?

18 A. That was the intention.

19 Q. And, in fact, you said at least
20 at the first meeting, three of the sixteen
21 issues that you raised were discussed; is
22 that right?

23 A. That's correct.

24 Q. And during the second meeting,
25 additional issues that you raised

1 WOOLF
2 were addressed; correct?

3 A. Very few.

4 Q. Some of those issues that you
5 raised were addressed; correct?

6 A. Not all -- I -- I submitted and
7 it's in my rebuttal I believe 11
8 questions, seven observations, and eight
9 suggestions. Maybe 25 percent was
10 addressed. And I do recall the comment as
11 I was leaving the room on April 25th.
12 Andrew Bowyer said to me I guess we can
13 agree to disagree.

14 MR. GARLAND: Let's mark as
15 Exhibit RW29 an exchange of emails
16 between the plaintiff and Ms. Strada
17 on April 26, 2013, with the
18 defendant's production number 297.

19 (Exhibit RW29, A series of
20 emails dated April 26, 2013, Bates
21 DEF000297, was hereby marked for
22 identification, as of this date.)

23 Q. You have in front of you what's
24 been marked as Exhibit RW29.

25 Does that contain an exchange of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

emails between you and Ms. Strada on
April 26, 2013?

A. Yes, it does.

MR. GARLAND: Let's mark as
Exhibit RW30 a series of emails from
May of 2013 with the defendant's
production numbers 288 through 290.

(Exhibit RW30, A series of
emails, Bates DEF000288, was hereby
marked for identification, as of this
date.)

Q. You have in front of you what's
been marked as Exhibit RW30.

A. I do. You also handed me RW29.
I don't think we discussed that.

Q. Was RW29 the exchange of emails
with Strada?

A. Yes.

Q. So I think we had just done
that. But for the sake of certainty, does
RW29 contain an exchange of emails between
you and Ms. Strada?

A. It does.

Q. Let's go to RW30 now.

1 WOOLF

2 A. Okay.

3 Q. I want to direct your attention
4 to the first page of Exhibit RW30.
5 Specifically about halfway down the page,
6 there appears to be an email from
7 Mr. Bowyer to you, CCed to Mr. Morris on
8 May 23, 2013.

9 Is that, in fact, an email that
10 Mr. Bowyer sent to you on that date?

11 A. Yes. It looks like that email.
12 Yes.

13 Q. And that's the email that starts
14 with the words as follows: "Ron, I'm at a
15 loss why after numerous discussions we've
16 had you are still updating all these
17 people on IDC."

18 Do you see that?

19 A. Yes, I do.

20 Q. What does IDC stand for?

21 A. I think it's international data
22 corporation.

23 Q. And what's the significance of
24 that in the context of this email?

25 A. IDC was a group -- was one of

1 WOOLF

2 you.

3 Do you recall whether or not he
4 had had any discussions with you as to why
5 you were still updating all of the people
6 in IDC?

7 A. No.

8 Q. Are you saying they didn't
9 happen or you just don't remember whether
10 it happened?

11 A. No, it didn't happen.

12 Q. So did you respond to
13 Mr. Bowyer's email of May 23rd?

14 A. I think there was a meeting
15 between me and Andrew Bowyer and Gary
16 Kotovetz, because --

17 Q. Specifically --

18 A. -- there was confusion.

19 Q. Specific with respect to the
20 subject of this May 23rd email?

21 A. I believe so, yes.

22 Q. So the three of you -- you,
23 Mr. Bowyer, Mr. Kotovetz -- attended the
24 meeting?

25 A. Yes.

1 WOOLF

2 Q. Who said what during that
3 meeting?

4 A. Gary Kotovetz said to me that
5 things do not have to be set out to this
6 list of people that was established the
7 month before.

8 Q. What else was said, if you
9 recall anything else, about this subject
10 at that meeting?

11 A. Well, all I know is that it was
12 news to me. So --

13 Q. Whether or not it was news to
14 you, was anything else said?

15 A. Just to not send out emails to
16 people that were above Gary -- essentially
17 above Gary Kotovetz.

18 Q. Anything else that you recall
19 that was said during that meeting?

20 A. No, nothing that I can think of.

21 Q. All right.

22 MR. GARLAND: Let's mark as
23 Exhibit RW31 an email from Mr. Bowyer
24 I believe to Mr. Woolf on
25 May 23, 2013, with the production

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

numbers defendant's production number
287.

(Exhibit RW31, An email dated
May 23, 2013, Bates DEF000287, was
hereby marked for identification, as
of this date.)

Q. You have in front of you what's
been marked as Exhibit RW31.

Please take a look at it and let
me know if you recall receiving that
communication from Mr. Bowyer on or about
May 23, 2013.

A. (Witness perusing document.)
I do recall receiving this
email.

Q. Do you recall responding to the
email?

A. (Witness perusing document.)
No. I think this was probably
raised in a meeting after I got this
email. I don't recall sending an email,
responding to this. Normally, I did not
respond to emails like this.

Q. All right. So as you sit here

1 WOOLF

2 now, you're not aware of any response that
3 you --

4 A. I'm not aware of any response.
5 I'm not saying it didn't happen, but I
6 don't recall. It was March -- May 2013.

7 Q. Okay.

8 MR. GARLAND: So let's mark,
9 then, as Exhibit RW32 the 2013 interim
10 performance evaluation, plaintiff's
11 Exhibit 8 with the production numbers
12 21 through 24.

13 (Exhibit RW32, 2013 Interim
14 Performance Evaluation, Bates 000021,
15 was hereby marked for identification,
16 as of this date.)

17 Q. You have in front of you what's
18 been marked as Exhibit RW32.

19 Please take a look at it and let
20 me know if you recall if that was your
21 2013 interim performance evaluation.

22 A. (Witness perusing document.)

23 Yes. It looks like the
24 evaluation I received.

25 Q. Do you recall when you received

1 WOOLF

2 it?

3 A. I want to say June 6, 2013.

4 Q. Why do you say June 6th?

5 A. Or June 5th, only because on
6 June 3rd, I had written an extensive
7 weekly wrap, which showed -- I believe it
8 was 21 paragraphs, which showed all the
9 work that I was doing at Bloomberg and
10 submitted that prior to this evaluation
11 and also gave it to Aline Tedesco,
12 basically making this piece of paper, in
13 my view, look ridiculous.

14 Q. So you thought your 2013 interim
15 performance evaluation was ridiculous?

16 A. Has absolutely no merit.

17 Q. And so how did you receive your
18 2013 interim performance evaluation?

19 A. I was called into a conference
20 room. Mike Morris and Andrew Bowyer were
21 sitting on the other side of the table.
22 Aline Tedesco was there to witness the
23 meeting. And I was not privy to this
24 document until I walked into the room. So
25 I had no expectation of what was going to

1 WOOLF

2 Q. Did you respond verbally?

3 A. I probably looked at it and just
4 said I have nothing.

5 Q. Did you say anything else during
6 that meeting?

7 A. No. It was --

8 Q. Did you say anything else during
9 the meeting? Yes nor.

10 A. I don't believe so. I don't
11 believe so. It was very short.

12 Q. Did anyone else -- did anyone
13 else say anything additional in the
14 meeting?

15 A. Aline Tedesco may have said
16 something about, like, "Ron this is your
17 interim performance review, and, you know,
18 you're still in the 'needs improvement'
19 area."

20 Q. Was anything else said?

21 A. I -- I can't recall exactly. I
22 believe it was a very short meeting.

23 Q. Did Ms. Tedesco say to you that
24 you should read the evaluation thoroughly?

25 A. Well, they don't give you time

1 WOOLF

2 confident, that you can continue to go
3 forward with the deposition and that the
4 testimony that you're going to be giving
5 it rueful and accurate?

6 A. Yes, I can.

7 Q. All right.

8 MR. GARLAND: Let's mark as
9 Exhibit RW36 a typewritten rebuttal to
10 the 2013 interim performance
11 evaluation with the plaintiff's
12 production. It says Exhibit 11 and
13 then pages 23 through 39.

14 (Exhibit RW36, A typewritten
15 rebuttal, Bates 000023, was hereby
16 marked for identification, as of this
17 date.)

18 Q. So you have in front of you
19 what's been marked as Exhibit RW36.

20 Is that a document that you
21 prepared in rebuttal or in response to
22 your 2013 interim performance evaluation?

23 A. Yes, it is.

24 Q. When did you prepare it?

25 A. Well, I submitted it on the

1 WOOLF

2 24th. So a couple of days before.

3 Q. So when you say you submitted
4 it, you submitted it on June 24, 2013?

5 A. That is correct.

6 Q. To whom did you submit it?

7 A. It would have gone to Andrew
8 Bowyer, Mike Morris, and Aline Tedesco.

9 Q. Did Mr. Bowyer and Mr. Morris
10 and Mr. Niziolek meet with you on or about
11 July 3, 2013, to address what you had
12 raised in your rebuttal with regard to
13 Exhibit RW36?

14 A. Yes, I believe there was a
15 meeting in July following this submission.

16 Q. On or about July 3rd?

17 A. Yes.

18 Q. Do you have any recollection as
19 to what was said during that meeting?

20 A. I recall that Jim Niziolek said
21 that he could not find any -- any
22 inappropriate behavior or false
23 statements, and there was conversation
24 about performance. I don't recall
25 exactly. But it was to address some of my

1 WOOLF
2 concerns about what was in my 2012 interim
3 evaluation.

4 Q. 2013?

5 A. 2013 evaluation.

6 Q. Is there anything specifically
7 that you recall saying during that
8 meeting?

9 A. Well, I would identify it in
10 this document. So I can't recall exactly.
11 I would have to look at the document
12 specifically. But the one obvious thing
13 that I know I would have raised is that my
14 performance, productivity, individual
15 performance scores, decisionmaking, value
16 added impact were all ascending during my
17 first 20 months at Bloomberg -- every
18 single metric. And then all of a sudden,
19 they dropped to almost the lowest level
20 they can possibly grade you at.

21 Q. And when you say they dropped,
22 you're talking about starting at the end
23 of January 2013 or is it '12? Let me see.
24 I want to make sure I get the right date
25 for the networking event. That was

1 WOOLF

2 something we discussed this morning.

3 A. That was January 2013.

4 Q. So anyway, you always associated
5 the descending performance appraisals or
6 review and feedback to be starting around
7 the time of your attending the networking
8 event; correct?

9 A. Correct.

10 Q. All right. Now, at the
11 conclusion of the July 3, 2013, meeting
12 that you had with Mr. Bowyer, Mr. Morris,
13 and Mr. Niziolek, did Mr. Niziolek tell
14 you that your work performance was still
15 not meeting expectations?

16 A. I believe that was communicated.

17 Q. And did he also tell you that if
18 you did not improve, you could receive a
19 written warning?

20 A. I believe that was communicated.

21 MR. GARLAND: Let's mark as
22 Exhibit RW37 a written warning,
23 performance warning dated
24 September 19, 2013, with defendant's
25 production numbers 250 through 53.

1 WOOLF

2 (Exhibit RW37, A performance
3 warning dated September 19, 2013,
4 Bates DEF000250, was hereby marked for
5 identification, as of this date.)

6 Q. You have in front of you what's
7 been marked as Exhibit RW37.

8 Is that a written performance
9 warning that you received on or about
10 September 19, 2013?

11 A. Yes, it is.

12 Q. Did you prepare a written
13 rebuttal to it?

14 A. I did.

15 Q. Did you submit it?

16 A. I did.

17 Q. To whom did you submit it?

18 A. I believe I submitted it to Jim
19 Niziolek, Andrew Bowyer, and Michael
20 Morris.

21 Q. Let's go back for a minute.
22 How did you receive the written
23 warning?

24 A. I was called into a conference
25 room. Jim Niziolek was on video out of

1 WOOLF

2 data, which was similar but maybe not as
3 comprehensive.

4 Q. And so as part of your job
5 function, you were tasked with trying to
6 get an agreement in place with Rentrak?

7 A. That is correct.

8 Q. And that agreement would acquire
9 data for Bloomberg.

10 A. For Bloomberg, yes.

11 Q. And in the process of doing
12 that, and by that I mean you negotiated
13 with Rentrak.

14 A. Absolutely.

15 Q. And in negotiating with Rentrak,
16 did you make certain concessions to
17 Rentrak as part of the negotiating
18 process?

19 A. I first understand -- try to
20 understand what's -- what does the other
21 party value. And then I try to tailor
22 something that Bloomberg can do, which
23 won't cost a lot of money and bring the
24 value that they're asking for to our
25 budget.

1 WOOLF

2 Q. So did you make certain
3 concessions then to try to get a deal
4 done?

5 A. I made certain concessions or
6 actually me and Paul Sweeney made certain
7 comments to Rentrak about what we could do
8 so that they would sign up for a year.

9 Q. Did anyone at Bloomberg make any
10 comments critical of the concessions that
11 you provided to Rentrak?

12 A. Well, obviously, this email
13 states that, you know, this is something
14 that is unprecedented when, in fact, I
15 think there are five, if I read this
16 correctly, five concessions that they call
17 concessions but really value added
18 negotiating -- negotiated items that
19 brought the value of the deal down from
20 1.75 million to 100,000. And these
21 quote/unquote concessions were something
22 that we had done in the past.

23 Q. Did anyone criticize you for
24 anything you did in that negotiation with
25 Rentrak?

1 WOOLF

2 A. Well, obviously, they did,
3 because it's in this email, which I had
4 not seen until discovery.

5 Q. So prior to discovery, had
6 anyone at Bloomberg mentioned to you any
7 level of dissatisfaction or discomfort or
8 unhappiness?

9 A. Yes. I think there was -- there
10 was always -- always concerns about not
11 having long term deals. But I couldn't
12 force a counterparty to do a five-year
13 deal if they wanted to do a one-year deal.

14 Q. So who made any comments
15 critical of anything that you concede or
16 gave away during the Rentrak negotiation?

17 A. Well, I wouldn't say conceded or
18 give away. I got something in return.

19 Q. What were the criticisms that
20 you heard?

21 A. Essentially the one year deal is
22 a criticism. Putting people on
23 television, offering them press
24 attribution, something that was done and
25 actually acknowledged by Andrew Bowyer and

1 WOOLF

2 Eric Hernandez and approved throughout
3 2013 and 2012.

4 Q. So who was it that let you know
5 that there was some level of
6 dissatisfaction with what you had
7 negotiated with Rentrak?

8 A. I believe it was Eric Hernandez
9 about a one-year deal.

10 Q. Anyone else made comments to you
11 critical of anything related to your
12 performance with the Rentrak deal?

13 A. My conversation would have taken
14 place with Eric Hernandez and also the
15 contracts team. It wasn't -- it was a
16 conversation with the contracts team,
17 because I knew what the client --
18 potential client could do.

19 Q. But my question to you was did
20 anyone else make any comments critical of
21 any anything that you did in the
22 negotiations with Rentrak?

23 A. I would -- I can only recall the
24 conversation with Eric Hernandez.

25 Q. So when Laura Brown became your

1 WOOLF

2 team leader, did she articulate, express,
3 talk to you about any concerns that she
4 had with your performance?

5 A. No. In fact, my first
6 conversation with Laura Brown occurred via
7 telephone when we learned that Andrew
8 Bowyer was no longer our TL. And I had to
9 explain to her what my job was, because
10 she had no idea what I did.

11 Q. At any point in time, did she
12 ever make any comments to you critical of
13 your work performance?

14 A. No. She did not make
15 comments --

16 Q. What did she --

17 A. -- my performance.

18 Q. Well, what did she do it
19 indicate any level of dissatisfaction with
20 your performance?

21 A. It wasn't indication
22 dissatisfaction. She was following the
23 Andrew Bowyer practice of putting things
24 down in writing as to expectations that
25 some of those expectations had to be done

1 WOOLF

2 by a certain date, et cetera, and then we
3 would discuss it at a meeting.

4 Q. So she would have one-on-1
5 meetings with you.

6 A. I believe we had three in total.

7 Q. And during those meetings, she
8 would set out expectations that she had
9 for you in terms of the work that you
10 needed to get done.

11 A. Usually, or it was post-meeting
12 in an email.

13 Q. And those expectations including
14 making progress on certain commercial
15 deals; correct?

16 A. Commercial deals and what we
17 call web letter deals.

18 Q. Right. So she also expressed to
19 you that you needed to make progress on
20 web letters that had been assigned to you;
21 correct?

22 A. That's correct. Yes.

23 Q. And what -- just very briefly --
24 what is a web letter?

25 A. So essentially, it's acquiring

1 WOOLF

2 data through barter, not paying money, but
3 offering them a page on the terminal.

4 Q. And was there something referred
5 to as the DRQS, all caps?

6 A. Yes.

7 Q. Queue, Q-U-E-U-E? What was
8 that?

9 A. Q-U --

10 Q. The Queue. The DRQS Queue.

11 A. Oh. The DRQS was a way to
12 document major things that happened while
13 you were negotiating the deal or something
14 from contracts or someone from contracts
15 wanted to add something. Basic anyone
16 that opened a DRQS would be up to date on
17 that deal.

18 Q. Did she express in one way or
19 another to you that she wanted you to push
20 negotiations forward with web letters that
21 may have been stagnant in that queue?

22 A. Yes. In November, I was given,
23 I believe, 17 additional web letters to
24 work on, because they had been failed
25 attempts by my colleague, Vlad Golden.

1 WOOLF

2 Q. Did Ms. Brown ever speak with
3 you to inform you about the observations
4 she had made comparing your productivity
5 to the productivity of any of your peers?

6 A. No.

7 Q. Do you know whether she had
8 formed such assessments?

9 A. I had no idea. I thought our
10 relationship was good, and I performed
11 what was asked of me.

12 Q. Do you remember that on
13 December 11, 2013, she met with you and
14 told you that you needed to make immediate
15 progress on commercial deals?

16 A. There was a December 11th
17 meeting. I read that in the discovery
18 documents. It was written before the
19 meeting happened.

20 Q. Do you recall that there was a
21 meeting on December 11th during which she
22 told you that you needed to make immediate
23 progress on commercial deals?

24 A. I remember a meeting where I
25 informed her of the status of where

1 WOOLF

2 commercial deals were and then I submitted
3 an update to her explaining every deal,
4 where it was, and my recommendations for
5 each deal in which she agreed ten percent
6 with me.

7 Q. Do you remember whether or not
8 during the December 11, 2013 meeting she
9 told you that you needed to make immediate
10 progress on commercial deals?

11 A. I think -- no, because we had no
12 budget.

13 Q. Are you saying she didn't say --

14 A. She --

15 Q. -- that, or you just don't
16 remember at this point, some nearly four
17 years later, whether or not she said it?

18 A. Well, I do recall that, in
19 November 2013, the BI budget was 0.

20 Q. Regardless of what the budget
21 was my question to you is, as you sit here
22 now, some nearly four years after that
23 December 11, 2013, meeting, do you recall
24 whether or not she said that you needed to
25 make progress on commercial deals?

1 WOOLF

2 A. No. I do not.

3 Q. Do you remember whether or not
4 you met with her again on
5 December 18, 2013?

6 A. There were three meetings. So
7 the 18th of December probably would have
8 been the last meeting between us.

9 Q. Do you remember whether or not
10 during that meeting she told you that you
11 would be assigned additional work only
12 after you completed and maintained the
13 assignments that had already been given to
14 you?

15 A. No. I recall that she agreed
16 with all my recommendations going forward
17 and that essentially we were wrapping up
18 the year, because not much could be done.

19 Q. Are you denying under oath that
20 she said to you during that December 18th
21 that you would only be assigned additional
22 work after you completed what had already
23 been given to you?

24 A. I had completely it, so I deny
25 it. I do not recall her saying that

1 WOOLF

2 Q. So did you speak to Ms. Brown at
3 all about the termination of your
4 employment?

5 A. Ms. Brown?

6 Q. Ms. Brown. Laura Brown.

7 A. About my termination?

8 Q. Yes.

9 A. She was in the conference room.
10 And I said to her before departing that --
11 I said, "Laura, good working with you.
12 There's nothing between us."

13 Q. So you're referring to the
14 termination meeting?

15 A. Yes.

16 Q. Outside of the termination
17 meeting, did you speak with her at all
18 about the termination of your employment?

19 A. No, never.

20 Q. So at the termination meeting
21 itself, who was present?

22 A. Mike Morris, Laura Brown,
23 representative from HR, who I did not
24 know, and do not recall the name, and Jim
25 Niziolek via video.

1 WOOLF

2 Q. So I want to go through the
3 meeting -- you probably know this well
4 enough by now, knowing who said what.
5 So --

6 A. I can -- I know exactly what
7 happened at that meeting.

8 Q. So take me from the beginning of
9 the meeting. Tell me who said what.

10 A. Okay. So I was called into a
11 conference room. Obviously, when I saw an
12 HR person, I knew what was happening. I
13 sat down. There were envelopes in front
14 of me. And Jim Niziolek was appearing to
15 my left on video screen. And he said to
16 me, "Ron, today is your last day at
17 Bloomberg." And I remember my exact
18 comment to him. I said, "Bold call. Bold
19 call." Then I turned to HR. She puts
20 across the severance agreement to me, and
21 she explained what they were offering.
22 And, basically, I said "not interested."

23 Q. What else was said, if anything,
24 during the meeting?

25 A. Mike Morris asked me what I left

1 WOOLF

2 A. No. I was going out the door.

3 Q. I just want to mark some other
4 documents briefly so we have them as part
5 of the deposition record.

6 MR. GARLAND: Let's mark as
7 Exhibit RW39 the August 15, 2013,
8 Bloomberg Global Resource and
9 Information Core Guide.

10 (Exhibit RW39, Bloomberg Global
11 Resource and Information Core Guide,
12 Bates DEF000979, was hereby marked for
13 identification, as of this date.)

14 Q. You have in front of you what's
15 been marked as Exhibit RW39. As it
16 indicates on the cover, it's the Bloomberg
17 Global Resource and Information Core Guide
18 with a date of August 15, 2013, which is a
19 separate document from the one that you
20 acknowledged receiving when you joined.

21 A. Right.

22 Q. So my question to you is do you
23 recall whether or not you have seen this
24 version of the global resource and
25 information core guide?

1 WOOLF

2 A. I believe we were notified that
3 it was on the terminal. I -- I don't
4 recall reading it.

5 Q. How were you notified that it
6 was on the terminal?

7 A. I think via email.

8 Q. From human resources?

9 A. Probably from HR.

10 Q. And we might have referred to
11 the terminal at some point earlier in the
12 deposition, but I don't think we defined
13 what is meant by that in the Bloomberg
14 context.

15 So what does terminal mean?

16 A. So terminal is basically --
17 think of it as a monitor that has access
18 to all the pages of data and information
19 that Bloomberg produces. And there's over
20 30,000 functions on that terminal through
21 your keyboard.

22 Q. So you as an employee of
23 Bloomberg had access to the terminal and
24 in particular or specifically access to
25 the global resource and information core

1 WOOLF

2 Q. And you would have had access to
3 it --

4 A. I would have had access to it,
5 yes.

6 Q. All right.

7 MR. GARLAND: Let's mark as
8 Exhibit RW41 an email from Mr. Woolf
9 to Mr. Morris dated April 12, 2013.
10 And it has the production numbers
11 defendant's production numbers 304
12 through 305.

13 (Exhibit RW41, An email dated
14 April 12, 2013, Bates DEF000304, was
15 hereby marked for identification, as
16 of this date.)

17 Q. You have in front of you what
18 we've marked as Exhibit RW41. I want to
19 direct your attention to the email that
20 starts at the bottom of the first page.

21 Is that an email that you sent
22 to Mr. Morris copying Mr. Bowyer on
23 April 12, 2013?

24 A. Yes, it is an email I sent on
25 April 12th.

1 WOOLF

2 Q. And in that email, you advise
3 them that you were suffering from a severe
4 migraine, which happens very infrequently.

5 A. Right. The severity was
6 obviously the infrequent part. But my
7 migraines were becoming not simple
8 migraines -- from simple migraines to
9 complex migraines with neurological
10 deficits. That's what I have today.

11 Q. And you associated the stress
12 that you were under with the stress you
13 perceived you were under in the Bloomberg
14 workplace with the severity of your
15 migraines; correct?

16 A. Well, actually, it was my
17 neurologist who assessed that.

18 Q. So you, then, based upon what
19 your neurologist is saying, connect the
20 migraines, the severity of the migraines
21 to the stress that you say you experienced
22 in the Bloomberg workplace; correct?

23 A. Yes.

24 Q. All right.

25 MR. GARLAND: Let's mark, then,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

as Exhibit RW42 some email communications involving the plaintiff from May of 2013 with the defendant's products numbers 285 through 286.

(Exhibit RW42, A series of emails, Bates DEF000285, was hereby marked for identification, as of this date.)

Q. You have in front of you what's been marked as Exhibit RW42.

A. Yes.

Q. The first email on the top of the first page is one that you sent to Jim Niziolek and CCed Aline Tedesco on May 28, 2013?

A. Yes.

Q. And the subject of that email was to inform you that you've been -- that you had been suffering from regular and sometimes very serious migraines and headaches now for over two months; correct?

A. That's correct. Yes.

MR. GARLAND: Let's mark as

1 WOOLF

2 Exhibit RW43 a letter from Michael
3 Hutchinson, M.D., dated May 29, 2013,
4 with the production numbers -- the
5 Woolf production numbers 76 and 77.

6 (Exhibit RW43, A letter dated
7 May 29, 2013, Bates WOOLF000076, was
8 hereby marked for identification, as
9 of this date.)

10 Q. You have in front of you what's
11 been marked as Exhibit RW43.

12 Is that a copy of a letter that
13 you obtained from Dr. Michael Hutchinson?

14 A. Yes, it is.

15 Q. To whom did you provide that
16 letter --

17 A. I believe I sent it to Jim
18 Niziolek, to the head of professional
19 development, Melinda Woolf, and --

20 Q. To whom?

21 A. Melinda Woolf, head of
22 professional development. She was fired
23 during my tenure there. But -- or she
24 left. I don't know what happened to her.
25 I believe I sent it to -- to the senior

1 WOOLF

2 executives and Jim Niziolek.

3 Q. And when you say the senior
4 executives -- I mean, you provided this --
5 let's be clear.

6 You provided the letter --
7 Dr. Hutchinson's letter to human
8 resources; correct?

9 A. Yes, I did.

10 Q. And how long have you been
11 treating with Mr. Hutchinson?

12 A. Since about the year 2000.

13 Q. And when you first went to him,
14 what was the medical reason that you went
15 to see him?

16 A. I was having tension headaches,
17 sometimes migraines, but mostly tension
18 headaches.

19 Q. Did he treat you for any other
20 condition at any point in time other than
21 headaches?

22 A. No. Oh, No. Actually, he did
23 treat me for -- actually, he didn't treat
24 me. There was concern about maybe there
25 being a brain abnormality. He checked it

1 WOOLF

2 without putting my life in jeopardy.

3 Q. So did you -- tell me how did
4 you communicate with Mr. Niziolek? Was it
5 in person? Was it on the phone?

6 A. I believe there was a meeting
7 that followed this letter.

8 Q. Who attended that meeting?

9 A. I believe it was only me and Jim
10 Niziolek. I think, in Document RW42, "Jim
11 spoke with Ron Woolf on 5/31 for about 45
12 minutes."

13 Q. Okay. So, in fact, the two of
14 you spoke for about 45 minutes on
15 May 31st.

16 A. Yes.

17 Q. And when you spoke, it was
18 actually Mr. Niziolek who reached out to
19 you after he received the letter from
20 Dr. Hutchinson; correct?

21 A. I don't know if I sent him -- I
22 believe I notified him that I was going to
23 be applying for FMLA.

24 Q. Well, did he tell you that you
25 could take a medical leave if you needed

1 WOOLF

2 one?

3 A. I don't recall him saying that I
4 could take a medical leave. I think I
5 researched it on my own and decided to
6 apply and I needed medical documentation
7 from Dr. Hutchinson. I got that, and it
8 was approved.

9 Q. Well, initially, with this
10 May 31st meeting, did Mr. Niziolek tell
11 you that could you take a medical leave if
12 you needed one?

13 A. I believe so.

14 Q. Did you tell him during that May
15 31st meeting that a leave at that time was
16 not necessary?

17 A. No. I don't believe so. I
18 mean, I -- it just -- the letter -- the
19 May 29th letter is pretty serious. It
20 speaks for itself.

21 Q. Well, whether or not it speaks
22 for itself, as you sit here now, do you
23 have a recollection of a conversation that
24 took place more than four years ago where
25 you specifically said to Mr. Niziolek that

1 WOOLF

2 again. We're focused on May 31st. Let's
3 try it this way.

4 During that meeting, did you
5 tell Mr. Niziolek that you were looking to
6 change your work environment that you
7 wanted to do the same job but just with
8 different managers, not with Bowyer and
9 Morris?

10 A. I believe that conversation came
11 up, because, obviously, it was recommended
12 by my neurologist that I needed to change
13 my work environment and, as I noted two
14 months prior, that I was under extreme
15 stress and suffering headaches daily, and
16 now my complex migraines could cause
17 death.

18 Q. So -- and when you referred to
19 two minutes earlier, you're referring to
20 your note to --

21 A. -- Melissa Strada. Yes.

22 Q. All right. So then at the
23 May 31st meeting, you said to Mr. Niziolek
24 what you wanted was to be able to do the
25 same job but with different managers;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

correct?

A. Essentially. Essentially, yes.

Q. Did Mr. Niziolek tell you that he was sympathetic to your medical problems during that meeting?

A. He may have said it. But actions speak louder than words. So I didn't believe it.

Q. Well, again, I'm not interested at this point in your beliefs. I'm interested in what was said.

So let me ask it again.

At that May 31st meeting, do you recall whether or not Mr. Niziolek said that he was sympathetic to your medical problems?

A. He may have said it.

Q. Do you remember whether or not, during that May 31st meeting, he said words to the effect that his investigation did not reveal that your managers had been harassing you in any way?

A. Yes. He did say that.

Q. Now, did you speak again with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

to go on record for almost everything that had happened, that he put something in writing, and the next day, I received a letter from him. The document that you gave me --

Q. Let me mark an exhibit, because maybe that will help us with the dates.

MR. GARLAND: So let's mark as Exhibit RW44 a June 4th letter from Mr. Niziolek to Mr. Woolf with the Woolf production number Exhibit 12, page 27.

(Exhibit RW44, A letter dated June 4, 2013, Bates WOOLF000027, was hereby marked for identification, as of this date.)

Q. So you have in front of you what's been marked as Exhibit RW44.

Is that a letter that you received from Mr. Niziolek dated June 4, 2013?

A. It is.

Q. And would the June 4th date suggest to you that you met had with him

1 WOOLF

2 prior to June 4th?

3 A. No. I remember being -- I
4 remember this conversation quite well.

5 Q. So which conversation?

6 A. It was June 3rd. It was a phone
7 conversation with Jim. I believe he was
8 in Princeton.

9 Q. All right. So let's go through
10 that conversation.

11 What did you say to him and what
12 did he say to you?

13 A. I said that -- or I asked for
14 what do I need to do to get a reasonable
15 accommodation for this severe neurological
16 problem. And he said that he would be in
17 touch, and I said I need it in writing.
18 And he then produced this letter and sent
19 it to me.

20 Q. Okay. But before we get to this
21 letter, we're just talking about the
22 conversation that you had on June 3rd.

23 Is there anything else that he
24 said to you or you said to him?

25 A. I believe that we discussed that

1 WOOLF

2 I should probably be looking for positions
3 within Bloomberg but that he could make no
4 guarantees. And essentially, I said,
5 "Please put it in writing, what you need,
6 so that I can do what you -- what you need
7 to make something happen."

8 Q. Is there anything else aside
9 from what you've already told us that was
10 said during that conversation on June 3rd?

11 A. That I needed -- I needed an
12 accommodation.

13 Q. Anything else that was said?

14 A. No. It was very
15 confrontational. That's all I remember.

16 Q. All right. So, then, following
17 that conversation, you received this
18 June 4th letter that we've marked as
19 Exhibit RW44?

20 A. Yes.

21 Q. And, again, there's some
22 handwriting at the top, Exhibit 10.

23 Is that your handwriting
24 reflecting an exhibit that you provided to
25 the opportunities in Asia EC --

1 WOOLF

2 NY."

3 What does that mean?

4 A. That probably refers to how many
5 positions were in New York that I could
6 possibly transfer to.

7 Q. But what does the "X" signify?

8 A. A number. X positions. Without
9 the "S." I didn't write the "S."

10 Q. And -- what's that?

11 A. I didn't write the "S." But
12 number of positions in New York. I --
13 that's how I read that.

14 Q. Well, were you looking for a
15 position in New York on June 4, 2013?

16 A. Well, I was looking for an
17 accommodation that would get me out of the
18 situation that was making me sick every
19 day.

20 Q. So you were looking for an
21 accommodation, in your words, that would
22 take you from working for Mr. Bowyer and
23 Mr. Morris to working for somebody else;
24 correct?

25 A. Yes. I wanted to reduce the

1 WOOLF

2 stress, as recommended by my neurologist.

3 Q. And then the last comment on
4 Exhibit RW44, which says "Comments to your
5 evaluation," what does that refer to?

6 A. I don't know why that's written.

7 MR. GARLAND: Let's mark the
8 next exhibit. So this will be RW45.
9 And this is a letter from the
10 plaintiff to Mr. Niziolek with the
11 Woolf production numbers 93 through
12 97.

13 (Exhibit RW45, A letter, Bates
14 WOOLF000093, was hereby marked for
15 identification, as of this date.)

16 Q. You have in front of you what's
17 been marked as Exhibit RW45.

18 A. Yes.

19 Q. Is that your written response to
20 the June 4th letter that we had marked as
21 RW44?

22 A. Yes, it is.

23 Q. And you submitted or sent that
24 letter to Mr. Niziolek on June 5, 2013.

25 A. That is correct.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

A. Which would have been a reasonable accommodation.

Q. But you told him that you wanted to transfer; correct?

A. I told him that I wanted to be placed in a situation where my work was appreciated and I was not being subjected to manufactured stress.

Q. And that would necessarily involve in your mind a transfer; correct?

A. It would.

Q. And he asked you what specific role you wanted to transfer to; correct?

A. Yes. And I responded.

Q. Well, he also mentioned to you, though, did he not, that the termination would have to be made whether you were qualified for the other position; correct?

A. He stated that, and then he also stated that there was an employment committee, which I had never heard of, but that they had to review my request.

Q. Did he also say to you, or, rather did you say to him -- did you say

1 WOOLF

2 to him that you would look for open
3 positions that you believe you were
4 qualified for a transfer to?

5 A. Actually, I provided him with a
6 specific suggestion.

7 Q. Ultimately, you did. But
8 initially, you said that you would
9 research that and get back to him;
10 correct?

11 A. Right, but I offered the
12 immediate solution.

13 Q. And --

14 A. And that was working for BI
15 under BI managers, because 95 percent of
16 my job was supporting BI, not data
17 acquisitions.

18 Q. And did you initially suggest
19 that you would do that from Asia?

20 A. No. I suggested it in New York.

21 Q. And do you have anything in
22 writing to confirm that?

23 A. It was a conversation that we
24 had. But it would have meant me moving
25 back three rows on my floor.

1 WOOLF

2 Q. What do you mean by that?

3 A. To accommodate me would have
4 taken a move from the fifth row to the
5 eighth row on my floor and to put me under
6 the management of BI, which, essentially,
7 they were my managers, because I worked
8 for that group. Mike Morris, Andrew
9 Bowyer, Laura Brown did not understand my
10 job. BI analysts and managers understood
11 my job.

12 Q. And so moving you, however many
13 rows that was, would have also required
14 you to be reporting to different
15 supervisors; correct?

16 A. Yes, it would have.

17 Q. Now let's take a look at another
18 exhibit we're about to mark, which is
19 RW46.

20 MR. GARLAND: And it is an
21 exchange of emails between Mr. Woolf
22 and Mr. Niziolek in June of 2013.

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

(Exhibit RW46, A series of emails, Bates DEF000283, was hereby marked for identification, as of this date.)

Q. You have in front of you Exhibit RW46, which contains an exchange of emails involving you. I want to direct your attention to the second page of this exhibit, specifically where it says "Jim's response" or "Jim responds 6:13:13." There's a communication that follows. It starts with the words "Hello, Ron. Good to hear that you have submitted documentation to validate your leave."

Is that a communication that you received from Mr. Niziolek on June 13, 2013?

A. I believe so. Yes.

Q. And he was responding to your email that starts on the prior page also on June 13th at 10:58 a.m.

A. Right. Around that time, there was -- well, so the comments to you -- just to clarify, No. 3 on document RW44,

1 WOOLF

2 (Exhibit RW47, A series of
3 emails, Bates WOOLF000025, was hereby
4 marked for identification, as of this
5 date.)

6 Q. So you have in front of you
7 what's been marked as Exhibit RW47.

8 Does it contain an exchange of
9 emails that you had with Mr. Niziolek in
10 June 2013, specifically June 17th?

11 A. Yes, it does.

12 Q. Now, the first email
13 chronologically is one that you sent to
14 him at 9:26 a.m., which appears about
15 halfway down the page?

16 A. Yes.

17 Q. Then he responded to your email
18 about five minutes later?

19 A. Yes.

20 Q. And in his email to you, he
21 wrote that your email to him was very
22 concerning. "Very concerning to me as I
23 don't believe you understood our last
24 conversation based on what you have
25 written."

1 WOOLF

2 Correct?

3 A. That's what he wrote.

4 Q. Then you and he had a phone call
5 later that day?

6 A. Apparently, Jim said he would
7 call me at 9:45.

8 Q. Well, actually, you wrote to
9 him, did you not, that you would call him?

10 A. Oh, I see. I would call him at
11 9:45.

12 Q. So did you call him at 9:45?

13 A. If I -- I probably called him at
14 9:45 if I said I was going to call him I
15 would have called him.

16 Q. Did you speak with him?

17 A. He responded, "Thank you," so
18 there was a conversation.

19 Q. Do you actually recall having
20 that conversation on June 17th?

21 A. Well, I was -- I remember
22 getting this and what was so frustrating
23 to me --

24 Q. Question: Do you recall whether
25 or not you had a conversation on June 17th

1 WOOLF

2 with Mr. Niziolek?

3 A. Yes, I do.

4 Q. Do you recall what was said?

5 A. Yes. Conversations about a
6 reasonable accommodation.

7 Q. Well, what did you say to him
8 and what did he say to you?

9 A. We discussed what I needed to do
10 to obtain a reasonable accommodation. And
11 he was apparently concerned --

12 Q. Don't get into apparently.
13 What did he -- my question --
14 remember --

15 A. Well --

16 Q. Please, please. The question is
17 a simple one. I know it may not be easy
18 to answer, but I'm trying to make it a
19 simple question.

20 I simply want to know what
21 Mr. Niziolek said to you and you said to
22 him during that June 17th conversation.

23 A. He spoke about the number of
24 positions that I submitted and said
25 that -- that this was unreasonable. And I

1 WOOLF

2 can recall.

3 Q. Did he during that conversation
4 tell you that transferring to another
5 position was not automatic?

6 A. Yes, I think so.

7 Q. Did he tell you during that
8 conversation that the transfer to another
9 position would be discussed, though, as
10 part of the back and forth with you?

11 A. He said it would be reviewed by
12 an employment committee.

13 MR. GARLAND: Let's mark as
14 Exhibit RW48 a memo from Mr. Woolf to
15 Mr. Niziolek with the Woolf production
16 numbers 21 through 22.

17 (Exhibit RW48, A letter dated
18 June 24, 2013, Bates WOOLF000021, was
19 hereby marked for identification, as
20 of this date.)

21 Q. You have in front of you what's
22 been marked as Exhibit RW48.

23 Is that a letter that you sent
24 to Mr. Niziolek?

25 A. It is.

1 WOOLF

2 Q. And you sent that to him on
3 June 24, 2013.

4 A. Yes.

5 Q. And in that letter, the two
6 positions you suggested transferring to,
7 one was in Singapore and the other was in
8 Hong Kong?

9 A. I believe so. One -- it's --
10 yes. That's true.

11 Q. And those were the only two
12 positions you suggested as a transfer in
13 your June 24th letter to Mr. Niziolek;
14 correct?

15 A. Yes.

16 MR. GARLAND: Let's mark as
17 Exhibit RW49 a letter from
18 Dr. Hutchinson dated July 15, 2013,
19 with the plaintiff production number
20 Exhibit 4, page 22.

21 (Exhibit RW49, A letter dated
22 July 15, 2013, Bates WOOLF000022, was
23 hereby marked for identification, as
24 of this date.)

25 Q. You have in front of you what's

1 WOOLF

2 been marked as Exhibit RW49.

3 Is that a copy of a letter that
4 you obtained from Mr. Hutchinson on or
5 about July 15, 2013?

6 A. Yes, it is.

7 Q. You then sent that letter to
8 Mr. Niziolek?

9 A. And others, yes.

10 Q. And you've sent that to
11 Mr. Niziolek and others on July 16th?

12 A. Either the 15th or 16th.

13 Q. In response to that letter, did
14 you meet with Mr. Niziolek on or about
15 July 19th?

16 A. I did.

17 Q. Where did that meeting take
18 place?

19 A. I was in a conference room in
20 New York, and he was on a video from
21 Princeton.

22 Q. Do you recall that, during that
23 call, Mr. Niziolek reminded you that even
24 if you transferred to a position in Asia,
25 your managers would still provide you with

1 WOOLF
2 feedback about your job performance?

3 A. Yes. I remember the
4 conversation, and I took notes about that
5 conversation.

6 Q. And where are those notes now?

7 A. I believe they're in my files.

8 Q. Have you provided those notes to
9 your counsel?

10 A. I don't -- I don't know. I
11 don't -- I'm not sure.

12 Q. So I'm going to ask you to go
13 find those notes and get them to your
14 counsel so they can be provided to us.
15 Understood?

16 A. Understood.

17 Q. And when you say your files,
18 they're in your files -- or you said "my
19 files," what do you mean by your files?

20 A. I have -- I have a number of
21 documents, some that are relevant to this
22 case, some that are not. But, remember, I
23 put together a 52-page report for the EEOC
24 and sent them a number of exhibits, so I
25 have a lot of paperwork about this case.

1 WOOLF

2 was confrontational. I asked what was
3 said. So that means please tell me what
4 you said and please tell me what he said.

5 A. So I said that I asked for a
6 reasonable accommodation. And I said to
7 him that "You gave me no guidance in terms
8 of the second request for a reasonable
9 accommodation," which narrowed my list
10 from 13 to 2 which happened to be in Asia.

11 And then I believe he said to me
12 it's unrealistic to relocate an employee
13 under "needs improvement" to Asia at the
14 cost of the firm. So he rejected my
15 suggestions, and then he said to me -- and
16 he used the word "feedback," which is an
17 incorrect characterization of the
18 criticisms I received from my managers --

19 Q. Again, you're starting
20 editorial. Stick with the words.

21 A. Okay. He said I would receive
22 the same feedback regardless of where I
23 worked, from any manager at Bloomberg. So
24 I questioned his knowledge of the 15,000
25 plus positions in Bloomberg and how he

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 16-cv-6953 (PKC)

5 - - - - -x

6 RONALD WOOLF,

7 Plaintiff,

8 -against-

9 BLOOMBERG L.P.,
10 ANDREW BOWYER, individually,
11 MELISSA STRADA, individually,
12 MATHEW ASMAN, individually,
13 MICHAEL MORRIS, individually, and
14 JIM NIZIOLEK, individually,
15 Defendants.

16 - - - - -x

17 September 26, 2017
18 10:12 a.m.

19 Continued Videotaped
20 Deposition of RONALD WOOLF, Volume II,
21 taken by Defendant, pursuant to Notice,
22 held at the offices of EPSTEIN BECKER &
23 GREEN PC, 250 Park Avenue, New York,
24 New York, before Sharon Lengel, a
25 Registered Professional Reporter,
Certified Realtime Reporter, and Notary
Public of the State of New York.

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

cannot give truthful testimony?

A. No.

MR. GARLAND: Let's mark as Exhibit RW52 some emails of the plaintiff's from October 2013 with the plaintiff's production number Exhibit 4 and documented page 33.

(Exhibit RW52, A series of emails, Bates 000033, was hereby marked for identification, as of this date.)

Q. You have in front of you what's been marked as Exhibit RW52.

Does that exhibit contain two email, one that you sent to Mr. Morris on October 14, 2013, and a second that you sent to Mr. Niziolek on the same day?

A. Yes, it does.

Q. Did you receive any response from either of them to the emails on this exhibit?

A. I believe I did. I think verbally Mike of course said, you know, take the day to get this checked out, and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

I don't know if there was a note from Jim Niziolek, but perhaps there was.

Q. Do you recall any other response by either Mr. Morris or Mr. Niziolek to either of these emails?

A. I don't remember.

Q. By the way, did you always consider that you had a good relationship with Mr. Morris?

A. I thought highly of Mr. -- Mike Morris. We shared a lot in common. He spent eight years in Asia. I spent seven years in Asia. We spoke the same language. We understood business practices that worked in Asia and elsewhere. And up until about March of 2013, that changed.

Q. All right.

MR. GARLAND: Let's mark as Exhibit RW53 a May 30th memo from the Reed Group to the plaintiff with the plaintiff's production number Exhibit 11, Document No. 10.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

(Exhibit RW53, A memo dated May 30, 2013, Bates 000010, was hereby marked for identification, as of this date.)

Q. You have in front of you what's been marked as Exhibit RW53.

Is that a copy of a document that you received from the Reed Group on or about May 30, 2013?

A. Yes, it is.

Q. Now, the Reed Group was the entity with which you corresponded regarding your applications for leave while you were employed by Bloomberg?

A. That is correct.

MR. GARLAND: Let's mark as Exhibit RW54 a fax from the plaintiff to the Reed Group with the plaintiff's production number Exhibit 7 pages 37 through 13 -- excuse me -- yeah. Let me reidentify that.

So the first page states Exhibit 7, page 37. And then that goes through page 41. And then we get

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

MR. GARLAND: So, then, let's mark as Exhibit RW55 a June 13, 2013, letter from the Reed Group to Mr. Woolf with his production Nos. Exhibit 6, pages 28 and 29.

(Exhibit RW55, A letter dated June 13, 2013, Bates 000028, was hereby marked for identification, as of this date.)

Q. You have in front of you what's been marked as Exhibit RW55.

A. Yes.

Q. Is that a copy of a letter that you received from the Reed Group on or about June 13, 2013, approving your application?

A. Yes, it is.

MR. GARLAND: Let's mark as exhibit RW56 a memo from the Reed Group to the plaintiff with the defendant's production No. 545 and this memo is dated November 14, 2013.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

(Exhibit RW56, A memo dated
November 14, 2013, Bates DEF000545,
was hereby marked for identification,
as of this date.)

Q. You have in front of you what's
been marked as Exhibit RW56.

Is this a memo that you received
from the Reed Group on or about
November 14, 2013?

A. You said November -- yeah. Yes.
Yes. That's correct.

MR. GARLAND: So then let's mark
as Exhibit RW57 a fax from the
plaintiff to Lucia Piriz, P-I-R-I-Z,
with the defendant's production
Nos. 560 through 563.

(Exhibit RW57, A fax dated
November 27, 2013, Bates DEF000560,
was hereby marked for identification,
as of this date.)

Q. You have in front of you what's
been marked as Exhibit RW57.

Is that a fax that you submitted
to the Reed Group on or about

1 WOOLF

2 (Exhibit RW59, A letter dated
3 December 9, 2013, Bates DEF000568, was
4 hereby marked for identification, as
5 of this date.)

6 Q. You have in front of you what's
7 been marked as Exhibit RW59.

8 Is that a copy of a letter that
9 you received from the Reed Group on or
10 about December 9, 2013?

11 A. It is.

12 Q. And that's a letter approving
13 your application for extending your
14 intermittent leave; correct?

15 A. Yes, based on my migraines with
16 neurological deficits.

17 MR. GARLAND: So let's, then,
18 mark as Exhibit RW60 an October 15,
19 2013, memo from the Reed Group to the
20 plaintiff. This one with the
21 defendant's production No. 570.

22 (Exhibit RW60, A memo dated
23 October 15, 2013, Bates DEF000570, was
24 hereby marked for identification, as
25 of this date.)

1 WOOLF

2 Q. So just to be clear, what the
3 Reed Group required in the way of
4 documentation you provided.

5 A. Yes, I did.

6 MR. GARLAND: So then let's mark
7 as Exhibit RW65 a November 12, 2013,
8 letter from the Reed Group to the
9 plaintiff bearing the production
10 numbers defendant's production
11 Nos. 607 to 608.

12 (Exhibit RW65, A letter dated
13 November 12, 2013, Bates DEF000607,
14 was hereby marked for identification,
15 as of this date.)

16 Q. You have in front of you what's
17 been marked as Exhibit RW65.

18 Is that a copy of a letter that
19 you received from the Reed Group on or
20 about November 12, 2013?

21 A. Yes, it is.

22 Q. And this letter approves your
23 application for FMLA leave.

24 A. Yes, it does.

25 MR. GARLAND: So let's then mark

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

as Exhibit RW66 a December 13, 2013,
memo from the Reed Group to the
plaintiff with the plaintiff's
production number Exhibit 6, page 34.

(Exhibit RW66, A letter dated
December 13, 2013, Bates 000034, was
hereby marked for identification, as
of this date.)

Q. You have in front of you what's
been marked as Exhibit RW66.

Is that a memo that you received
from the Reed Group on or about
December 13, 2013?

A. Yes, it is.

Q. And this memo relates to not
your medical condition but the medical
condition of your wife?

A. That's correct.

Q. And you sought a leave in
connection with her medical condition.

A. I sought a few hours here and
there because psychiatrists and
psychologists wanted collateral
information from me because she was

1 WOOLF

2 MR. GARLAND: So then let's mark
3 as Exhibit RW69, a memo from the Reed
4 Group to the plaintiff dated
5 January 10, 2014. And it bears the
6 plaintiff's production numbers
7 Exhibit 6, pages 30 and 33.

8 (Exhibit RW69, A memo dated
9 January 10, 2014, Bates 000030, was
10 hereby marked for identification, as
11 of this date.)

12 Q. You have in front of you what's
13 been marked as Exhibit RW69.

14 Is that a letter that you
15 received from the Reed Group on or about
16 January 10, 2014?

17 A. Yes, it is.

18 Q. And that letter approved your
19 request for intermittent leave in
20 connection with your wife's issues.

21 A. That's correct.

22 Q. So all of the leave applications
23 that you made -- well -- for FMLA leave
24 while were you employed by Bloomberg were
25 approved.

1 WOOLF

2 A. Yes, that's correct.

3 MR. GARLAND: Let's mark as
4 Exhibit RW70 a notice of charge of
5 discrimination from the EEOC together
6 with a charge dated September 5, 2013,
7 bearing the defendant's Production
8 Nos. 637 through 639.

9 (Exhibit RW70, A notice of
10 charge of discrimination dated
11 September 5, 2013, Bates DEF000637,
12 was hereby marked for identification,
13 as of this date.)

14 Q. You have in front of you what's
15 been marked as Exhibit RW70.

16 If you turn to the third page of
17 that exhibit, is that third page a copy of
18 the charge of discrimination that you
19 filed against Bloomberg with the EEOC in
20 the summer of 2013?

21 A. It's only the first three pages
22 of 120 documents submitted that day.

23 Q. So --

24 A. Or prior to that -- this -- the
25 date of September 5th.

1 WOOLF

2 opportunities while you were employed by
3 Bloomberg.

4 Did those jobs have the same
5 sort of work hour requirements as the job
6 that you had in New York?

7 A. I'm sorry. You said work --

8 Q. Work hours, the same type of --

9 A. Oh, work hours? It didn't
10 specify, but I assumed a full-time -- it
11 was a full-time job. So --

12 Q. And did those two positions have
13 the same sort of complexity and challenges
14 as the one -- work challenges, not
15 supervisory challenges, but work challenge
16 as the one that you had in New York?

17 A. Well, there's only a paragraph
18 that describes the opportunity. So
19 without guidance from HR, I wasn't
20 positive if it was the right fit. Only
21 after I submitted my two roles in Asia was
22 I told, well, one was, I think, below my
23 skill levels and one was above my skill
24 levels.

25 Q. Who told you that?

1 WOOLF

2 A. Jim Niziolek.

3 Q. But were you looking for a job
4 at least equivalent in terms of
5 challenges, complexity, opportunities as
6 the one that you had in New York; correct?

7 A. That's what I was -- that's what
8 I wanted to find, yes.

9 Q. Do you know whether or not
10 Mr. Bowyer had any role whatsoever in the
11 decision to terminate your employment?

12 A. I believe he played a tremendous
13 role.

14 Q. And what's the basis of your
15 saying that? And let me be clear. Let me
16 ask a better question.

17 Has anybody told you that
18 Mr. Bowyer played any role in the decision
19 to terminate your employment?

20 A. No.

21 Q. Have you read anywhere that
22 Mr. Bowyer was involved in any way in the
23 decision to terminate your employment?

24 A. My performance warning.

25 Q. Okay. Well, that warning

1 WOOLF

2 A. Absolutely, yes.

3 Q. Do you recall a specific time
4 that you did that?

5 A. Yeah. I recall this
6 specifically, because it required a lot of
7 followup by doctors that day.

8 Q. So let me just -- what -- let's
9 fix the time.

10 When did you speak to Mr. Morris
11 about your having a headache?

12 A. So I want to say in May --

13 Q. May of 2013.

14 A. May of 2013.

15 Q. What did you say to him?

16 A. I told -- we were having a
17 meeting off our floor downstairs, our
18 entire group. I went up to Mike Morris,
19 because right before the meeting, my
20 vision -- half of my vision --

21 Q. What did you say to him?

22 A. I went up to him, and I just
23 said to him, "Mike, I'm losing vision in
24 my left eye. I need to get to see -- I
25 need to see a doctor right now."

1 WOOLF

2 Q. What did he say?

3 A. And he said, "Go."

4 Q. Did you ever speak to him on any
5 other time about your having a headache?

6 A. Yes. And then I came back after
7 seeing three doctors in a matter of three
8 hours, because they thought it was --

9 Q. No. I don't want to know what
10 they thought it was.

11 What did you say to him?

12 A. I told him -- he was surprised
13 to see that I came back.

14 Q. I don't want to know whether he
15 was surprised or not.

16 What did he say?

17 A. I said to him, "I'm back, and
18 I'm going to finish the day." And he
19 said, "Okay. Fine."

20 Q. Was there any other occasion
21 that you spoke to him about having
22 headaches?

23 A. Yes. Well, I obviously wrote
24 him an email. Usually when I had to call
25 in, because I could not work --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

to Alison Trellis and others on
July 15, 2013, with the plaintiff's
Production No. Exhibit 4 and then
page 28.

(Exhibit RW83, An email dated
July 15, 2013, Bates 000028, was
hereby marked for identification, as
of this date.)

Q. You have in front of you what's
been marked as Exhibit RW83.

Is that an email that you sent
to Alison Trellis on July 15, 2013?

A. Alison Trellis, Melinda Woolf
who was deleted, and Jim Niziolek.

Q. So you sent it to three people
at Bloomberg?

A. Yes.

Q. What was Ms. Trellis' role?

A. She was head of HR for the
Americas.

Q. And Melinda Woolf's name is not
on this document.

Why is that?

A. That's how Bloomberg deals with

1 WOOLF

2 this email.

3 Q. So --

4 A. Not to my knowledge. So I
5 included her.

6 Q. Was this email your first
7 notification to anyone at Bloomberg that
8 you had filed a charge of discrimination
9 with the EEOC against the firm?

10 A. Yes, it is.

11 Q. Did anyone speak with you at
12 Bloomberg about this email at any time?

13 A. Well, of course. There were
14 many -- there were conversations
15 regarding, you know, the allegations made
16 and there were investigations. So --

17 Q. Well, let me ask it this way.
18 Did you speak with anyone at
19 Bloomberg after July 15, 2013, about your
20 having filed --

21 A. Yes.

22 Q. -- a charge of discrimination
23 with the EEOC?

24 A. Specifically this July 19th
25 meeting, which I had been asking for for

1 WOOLF

2 Bowyer was aware. Obviously, through my
3 attorney, Matt Asman was aware. I don't
4 know if Melissa Strada was aware.

5 Q. Okay. I'm not asking you who
6 was aware.

7 I'm asking you with whom --

8 A. I spoke --

9 Q. Let me finish, please.
10 With whom did you ever speak
11 about the fact that you had filed a charge
12 of discrimination with the EEOC against
13 the firm?

14 A. So Jim Niziolek -- speaking --
15 Jim Niziolek, Mike Morris, Andrew Bowyer.

16 Q. Anyone else?

17 A. Maybe a few colleagues.

18 Q. Do you remember any colleagues
19 with whom you spoke about that fact?

20 A. One colleague that was no
21 longer -- actually, it wasn't a colleague.
22 It was someone who had left the firm
23 already. So I felt comfortable speaking
24 about it because she had a similar
25 situation.

1 WOOLF

2 on the 15th, you're looking at RW83?

3 A. Yes, I am.

4 Q. There's no attachment with your
5 charge to that email, is there?

6 A. No. There's a charge number.

7 Q. Okay. So there's a charge
8 number. But my question to you is, as of
9 July 19th, do you know who he actually saw
10 the charge that you had filed with the
11 EEOC?

12 A. Oh, if you're talking about the
13 120-plus documents I submitted to the
14 EEOC, obviously not. No.

15 Q. Okay. So in the conversation on
16 July 19, 2013, do you recall anything he
17 specifically said, using the words "EEOC
18 charge"?

19 A. Yes. That was the conversation.
20 That was the topic of the conversation.

21 Q. So what did he say specifically
22 about the EEOC charge? If you say he used
23 those words.

24 A. I -- that he believed that it
25 was not legitimate, that there was no

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

discrimination on the part of the firm.
Okay?

Q. Did he say anything else about
the EEOC charge on July 19th?

A. Well, to the extent that he was
denying it.

Q. He was denying something that he
hadn't seen yet; correct?

A. Well, he was denying the fact
that Bloomberg had done nothing wrong.

Q. Do you actually remember if the
words EEOC charge even came up during your
July 19th meeting?

A. Obviously, that's what the email
references. And that's what -- that's
what I was discussing. So --

Q. So as you're sitting here today,
you're 100 percent sure that you spoke
about the EEOC charge on July 19th.

A. Absolutely.

Q. So did you ever speak with him
about the EEOC charge at any other time?

A. Yes.

Q. When?

1 WOOLF

2 Q. And when you say after the
3 filing --

4 A. And --

5 Q. -- when was that?

6 A. And in the numerous weekly
7 meetings that happened from that date
8 forward until essentially my termination
9 date.

10 Q. Do you recall anything that
11 Mr. Morris ever said about the fact that
12 you had filed an EEOC charge?

13 A. He pushed it to HR. He passed
14 the buck.

15 Q. What did he say?

16 A. He said -- and it's also
17 written.

18 Q. I'm asking the question.

19 What did he say?

20 A. He said that's something that HR
21 handles.

22 Q. Did he say anything else about
23 the fact that you had filed an EEOC
24 charge?

25 A. He passed the buck.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

Q. Did he say anything else?

A. I can't recall his exact words.
But he passed the buck.

Q. To HR.

A. Yes.

Q. Now, is there anything you
recall Mr. Bowyer ever saying to you about
the fact that you had filed an EEOC charge
against the firm?

A. Oh, Andrew Bowyer knew.

Q. I'm not asking whether he knew.
Did Mr. Bowyer ever say anything
to you about the fact that you had filed
an EEOC charge?

A. I believe there was a discussion
during the performance warning where I
refused to sign the document, which
happened on September 19th with Jim
Niziolek, Mike Morris, and Andrew Bowyer.
It came up.

Q. No. Look, my question to you is
did Mr. Bowyer ever reference to you --

A. He acknowledged --

Q. -- say to you -- say to you

1 WOOLF

2 Q. You said to him that the EEOC
3 was involved.

4 A. Yes.

5 Q. He said words to the effect that
6 he was aware of that; correct?

7 A. Yes.

8 Q. Did either of you ever say
9 anything else about the fact that you had
10 filed an EEOC charge against the firm?

11 A. No. It was --

12 Q. Now, when did you -- did you
13 actually speak with Aline Tedesco about
14 having filed an EEOC charge against the
15 firm?

16 A. I believe it came up in a
17 meeting, yes.

18 Q. When?

19 A. After July 15th.

20 Q. Who was present?

21 A. Jim Niziolek -- Jim Niziolek and
22 Aline Tedesco were the two primary HR
23 contacts for me. So --

24 Q. Now I'm asking when you -- when
25 did you speak to Aline Tedesco about the

1 WOOLF

2 though, that she said that you remember
3 regarding your EEOC charge?

4 A. I don't know exactly. The firm
5 took the position of deny everything,
6 admit nothing.

7 Q. Do you remember anything she
8 said, sir?

9 A. No.

10 Q. Did any of your managers at
11 Bloomberg ever state to you that you
12 should not apply for FMLA leave?

13 A. No.

14 Q. Did any of your managers or
15 supervisors at Bloomberg ever suggest to
16 you or state to you that you should not
17 use FMLA leave?

18 A. There was a conversation --
19 actually, there was a couple of
20 conversations where Mike Morris suggested
21 to me that -- "Go ahead, Ron. Take as
22 many days as you need." And under the
23 law -- and I'm not an attorney. So I am
24 only basing this off what I read.

25 Q. Okay. And that's not -- okay.

1 WOOLF

2 A. I can't explain it unless I tell
3 you that fact.

4 Q. Try it this way.

5 You say you had a conversation
6 with Mr. Morris where he spoke words to
7 you about FMLA leave; is that right?

8 A. Yes.

9 Q. All we're asking is what were
10 the words that Mr. Morris spoke?

11 A. He said, "Ron, take as many days
12 as you need."

13 Q. Did he say anything else?

14 A. No. That -- he -- I called in,
15 told him had an intense migraine. He
16 said, "Ron, take as many days as you
17 need."

18 Q. All right. Let's take our lunch
19 break.

20 A. Okay.

21 THE VIDEOGRAPHER: Thank you.

22 The time now is approximately 12:38.
23 We're going off the record.

24 (Luncheon recess: 12:38 p.m.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

(Exhibit RW84, An employment information report, Bates DEF000269, was hereby marked for identification, as of this date.)

Q. You have in front of you what's been marked as Exhibit RW84. I want to direct your attention to the first page about 2/3 of the way down the page. There's an email from Mr. Morris to you on July 9, 2013, at 9:30.

Do you see that?

A. I see that.

Q. Please read the email to yourself, and when you've finished it, let me know, and I'll ask the next question.

A. (Witness perusing document.)

Okay. I've read it.

Q. So did you, in fact, receive that email from Mr. Morris on July 9, 2013?

A. I did.

Q. Was there anyone at Bloomberg during the time that you worked there who said to you that you just shouldn't take

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

leave -- you shouldn't take FMLA leave?

A. No. They encouraged -- well, I say Mike Morris encouraged me to take as much time as I needed.

Q. And so beyond that, nobody discouraged you; correct?

A. No one discouraged me.

MR. GARLAND: Let's mark as Exhibit RW85 a document that has the heading "Download of Draft Comments from 2013 End-of-Year Self-Evaluation" with the plaintiff's production Nos. Exhibit 7, pages 6 through 8.

(Exhibit RW85, Download of draft comments, Bates 000006, was hereby marked for identification, as of this date.)

Q. You have in front of you what's been marked as Exhibit RW85.

Have you seen that before?

A. Yes, I have.

Q. What is it?

A. It's my -- my evaluation of myself addressing the seven Bloomberg

1 WOOLF

2 because you either sought or took FMLA
3 leave?

4 MR. MELAMED: Objection.

5 A. If I can explain, FMLA was paid
6 leave, fully paid leave for 60 days over
7 12 calendar months. So when I say to you
8 that I was encouraged to take as many days
9 as I wanted, I was informed by the Reed
10 Group that your FMLA would turn into
11 short-term disability.

12 It was my understanding from
13 reading various documents that that would
14 reduce my pay that I collected biweekly to
15 a short-term disability individual rather
16 than an individual taking FMLA. So in my
17 mind, I questioned when I was encouraged
18 to take as much time as I wanted, because
19 I made sure -- and the Reed Group advised
20 me -- that if you exceed eight days off in
21 a row, it automatically converts to
22 short-term disability.

23 Q. Is there any fact other than
24 what you've just stated in your last
25 answers that you would point to to support

1 WOOLF

2 Exhibit RW89 an email from Mr. Woolf
3 to Ms. Trellis with the plaintiff's
4 production No. Exhibit 4, page 34.

5 (Exhibit RW89, An email dated
6 December 13, 2013, Bates 000034, was
7 hereby marked for identification, as
8 of this date.)

9 Q. You have in front of you what's
10 been marked as Exhibit RW89.

11 Is that an email that you sent
12 to Ms. Trellis and others at Bloomberg on
13 December 13, 2013?

14 A. Yes, it is.

15 MR. GARLAND: Let's mark as
16 Exhibit RW90 a November 27, 2013,
17 letter from Dr. Hutchinson, "To whom
18 it may concern," with the plaintiff's
19 Production No. Exhibit 4, page 23.

20 (Exhibit RW90, A letter dated
21 November 27, 2013, Bates 000023, was
22 hereby marked for identification, as
23 of this date.)

24 Q. You have in front of you what's
25 been marked as Exhibit RW90.

1 WOOLF

2 Is that a copy of a letter that
3 you received from Dr. Hutchinson on or
4 about November 27, 2013?

5 A. It is.

6 Q. Is that the letter referred to
7 in your email that we've marked as exhibit
8 RW89?

9 A. Yes, it is.

10 Q. I noticed that about two weeks
11 past from the date of the Dr. Hutchinson's
12 letter until the time that you submitted
13 it to Ms. Trellis.

14 Why the delay?

15 A. At that point, I had become very
16 discouraged with the lack of response from
17 Bloomberg's HR department, my managers.
18 So it was provided. But the first two
19 letters were ignored. So I didn't think
20 much would happen.

21 Q. So you decided on your own to
22 wait a couple of weeks before you
23 submitted it?

24 A. Yes.

25 MR. GARLAND: Let's mark as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOOLF

(Exhibit RW93, A complaint, was hereby marked for identification, as of this date.)

Q. You have in front of you what's been marked as Exhibit 93.

Take a look at it and tell me you've seen it before.

A. Yes, it is.

Q. You've seen before?

A. Yes.

Q. Is that a lawsuit that -- a complaint that you filed against Zurich in the New York State Supreme Court?

A. I have been advised on my attorney at that time, my attorneys at this time, that I cannot comment on this case.

Q. Let me ask you --

A. There's an agreement in place where I cannot speak about this case. Otherwise I'll be in violation of a Court order.

Q. And so you're saying that your attorneys in this lawsuit -- the Derek